

12

Principles
of American
Democracy
Standards
12.2.2. and 12.2.5.



Teacher's Edition
California Education and the Environment Initiative

DRAFT
for discussion purposes only



This Land Is Our Land

California's Environmental Principles



The State of California's Environmental Principles and Concepts were approved in 2004 under a law referred to as the California Education and the Environment Initiative (EEI). The law called for the development of Environmental Principles and Concepts that are compatible with the State's academic content standards and, as such, would become a formal part of California's K-12 education system. The EEI Curriculum, which this unit is part of, is designed to help students simultaneously achieve mastery of selected academic content standards and California's Environmental Principles and Concepts.

Principle I

People Depend on Natural Systems

The continuation and health of individual human lives
and of human communities and societies
depend on the health of the natural systems that provide essential goods
and ecosystem services.

Principle II

People Influence Natural Systems

The long-term functioning and health of terrestrial, freshwater, coastal and marine ecosystems
are influenced by their relationships with human societies.

Principle III

Natural Systems Change in Ways that People Benefit from and Can Influence

Natural systems proceed through cycles
that humans depend upon, benefit from and can alter.

Principle IV

There are no Permanent or Impermeable Boundaries that Prevent Matter from Flowing Between Systems

The exchange of matter between natural systems and human societies
affects the long-term functioning of both.

Principle V

Decisions Affecting Resources and Natural Systems are Complex and Involve Many Factors

Decisions affecting resources and natural systems
are based on a wide range of considerations
and decision-making processes.

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California Education and the Environment Initiative

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California Integrated Waste Management Board
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Contents

Overview	4
California Connections	6
Teacher’s Background	8
Unit Planner	12
English Language Development	16
Differentiated Instruction	18
Traditional Unit Assessment	19
Alternative Unit Assessment	23
Extensions & Unit Resources	30

Lesson 1 In Pursuit of Life, Liberty, and the Common Good	32
Lesson 2 Civic Virtue: Is It in You?	44
Lesson 3 So You Want to Own a Gas Station	58
Lesson 4 Whose Beach Is It Anyway?	70
Lesson 5 Reconciling: When Common Goods Collide...	86

Credits	100
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Overview



Restrictions posted for land conservation

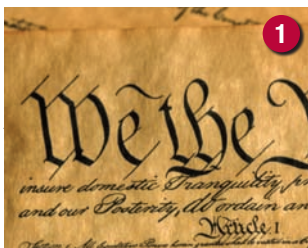
Among the persistent issues facing the United States is how to balance individual **rights** and liberties with the **common good** in matters related to land, as well as water, air, and other natural resources. In this unit, students examine a series of case studies that embody the struggle to find this balance. Each case study explores the balance between an individual's use

and management of natural resources to meet their needs and the need to provide for the common good.

While the unit features the government's role in protecting the common good, students also examine how private parties—individuals and businesses—consider the spectrum of factors that influence and negotiate **policy** decisions about natural resources

and natural systems. Among these factors are laws, policies, financial incentives and interests, cost-benefit analyses, knowledge, commitment to individual rights and liberties, and interpretations of the common good. Students also learn that some government entities—from local and state commissions and boards to the Supreme Court—make decisions on issues that require a balance between

At a Glance



In Pursuit of Life, Liberty, and the Common Good

Discuss conflicts between common good and individual rights in relation to the environment.



Civic Virtue: Is It in You?

Analyze factors considered in making decisions about the environment and discuss scenarios related to civic virtue.



So You Want to Own a Gas Station

Examine laws and regulations related to a case study of owning and selling a gas station.



California Content Standard

- 12.2.** Students evaluate and take and defend positions on the scope and limit of rights and obligations as democratic citizens, the relationships among them, and how they are secured.
- 12.2.2.** Explain how economic rights are secured and their importance to the individual and to society (e.g., the right to acquire, use, transfer, and dispose of property; right to choose one's work; right to join or not join labor unions; copyright and patent).
- 12.2.5.** Describe the reciprocity between rights and obligations; that is, why enjoyment of one's rights entails respect for the rights of others.

individual rights, liberties, and choices related to the common good.

To engage students with the potential of conflicts between individual rights and liberties and the common good, Lesson 1 presents a high-interest contemporary issue: whether to ban cell phones in schools. After discussing this issue, students consider the relationship between the environment and the common good and identify potential conflicts with individual rights, liberties, and interests. In Lesson 2, students explore the concept of **civic virtue**—the individual's willingness to put the public interest or common good above individual rights, liberties, and

California Environmental Principle V

Decisions affecting resources and natural systems are based on a wide range of considerations and decision-making processes.

Concept A: Students need to know the spectrum of what is considered in making decisions about resources and natural systems and how those factors influence decisions.

Concept B: Students need to know the process of making decisions about resources and natural systems, and how the assessment of social, economic, political, and environmental factors has changed over time.

interests. A case study of laws and **regulations** that affect gas station owners is the centerpiece of Lesson 3, in which students learn how laws, regulations, and policies directly affect the **extraction**, harvest, transportation, and **consumption** of natural resources, as well as management of the resulting **byproducts**. Lesson 4 looks at a landmark Supreme Court case originating in a California conflict between individual rights and the common good. Through this case

students learn how laws, regulations, and policies affect the growth of human populations and communities. In the unit's culminating lesson, students learn that some conflicts over environmental issues result from competing perspectives on the common good. The lesson features the case of the Sunshine Canyon Landfill, which clearly illustrates the many factors that influence decisions regarding use and management of natural systems and resources.



Whose Beach Is It Anyway?

Consider stakeholder actions during a land use dispute and the role of the Supreme Court.



Reconciling: When Common Goods Collide...

Simulate a public meeting concerning a landfill expansion and develop solutions to the conflict.

California Connections

So You Want to Own a Gas Station

In a “car culture” like California’s, you might be thinking about owning a gas station. If so, you should be aware of the costs and responsibility involved in owning and running—even selling—a gas station in our state.



Buying a franchise will cost you about \$100,000. As the owner, every year you will need to pay fees, called royalties, amounting to about 5% of your sales, to the “parent” company. However, the operational costs of running a station are larger. A big expense is monitoring the underground storage tanks (USTs) that hold the gasoline for sale at the pump. Complex laws in place today require gas station owners to

install devices that detect leaks and to hire experts to take and test soil and water samples in case of a leak. These costs are somewhat offset by government assistance. State and federal taxes included in the price of gas at the pump—several cents per gallon total—go into a cleanup fund that assists gas station owners and operators with the cost of cleaning up a leaking UST. But these laws and support didn’t always exist. Increased knowledge of the gas people use to power their cars, trucks, lawnmowers, and other machinery has changed the way gas stations do business.

Gas stations in California sell more than 14 billion gallons each year. More than 100,000 USTs store gas for California’s more than 9,000 retail gas stations. Each of these gas stations goes through a complex permitting process to obtain permission to install, stop using, or remove an underground storage tank. The reason is this: If even one gallon of gas leaks into an underground aquifer, it makes more than a million gallons of water undrinkable. And the cleanup costs more than a million dollars.

In 1983, California became one of the first states to pass laws regulating how gas stations use and maintain their USTs. One year later, the federal government passed laws allowing the United States Environmental Protection Agency (USEPA) to oversee and enforce UST regulations. Since passage of these state and federal UST regulations, more than a million leaking tanks have been replaced or decommissioned, and more than 300,000 leaks have been cleaned up.

The effort to ensure that USTs are “leak-proof” has been underway since the mid-1980s. At first, the goal was to keep any UST from leaking more than 0.05 gallons per hour. If the leakage was less, the government considered the UST fine to use.



Gas station



Then, in the 1990s, several cases of methyl-tertiary-butyl-ether (MTBE) contamination brought the USEPA under fire. At the end of the 1980s, gasoline sold in California contained the additive MTBE. MTBE reduces certain emissions and helps improve air quality in urban areas. But it is toxic to humans and can escape out of a UST as a vapor, passing into the soil and surrounding water through tiny pores in the pipes, gaskets, and fittings of a UST. Only a few parts per billion of MTBE will make water undrinkable. In 2003, California passed a law that required USTs to be vapor-tight as well as liquid-tight. In 2004, California banned the use of MTBE altogether.

California has a web of local, regional, and state agencies that regulate what happens at gas stations. These agencies monitor the purchase, operation, and removal of USTs, among other things. The Department of Food and Agriculture's Division of Measurement Standards oversees gasoline quality and pump accuracy. At the local level, the Department of Public Works (DPW) is the primary point of contact for UST oversight. DPW works with other city and county officials, such as the fire department and the city's building and safety office. DPW keeps track of who owns and operates the gas stations in the area. The state's lead regulatory agency is the State Water Resources Control Board, a division of the California Environmental Protection Agency (CalEPA). The Board gives authority to regional boards and local agencies to monitor the USTs in their areas.

The rules that gas station owners and operators must follow are detailed in a 105-page document that is part of the California Code of Regulations. The regulations cover everything from specifying how the tanks, pumps, and pipes should be

constructed to monitoring, repair, and reporting requirements.

A gas station owner who wants to close the station and use the property for another purpose must also deal with many legal requirements. The process to close or sell a gas station is as complex as the process for opening one. Gas station owners must pay to safely cleanup the area and remove the USTs, or demonstrate that removing the USTs is not feasible before they can receive permission to close the gas station and leave the tanks in-site (underground). On top of all this, the application for closure includes extensive soil and groundwater sampling. Owners also must apply for permits from the local or county Fire Department, the Department of Public Works Building and Safety Division, and the Air Quality Management District to conduct these tests, as well as to close any station or sell any gas station property.

Still thinking about going into the gas station business? Since fuel always seems to be in demand, you might think profits would be more than enough to cover the cost of doing business and following the laws. But

the truth is, most station owners keep only a few cents profit for every gallon of gas sold. They tend to make more on the snack items they sell than the gas.

As the complexity of owning a gas station has increased over the past two decades, fewer independent stations have remained in operation. Larger stations, leased to operators but owned by the oil companies, have taken their place. In Los Angeles, the total number of gas stations had decreased by 50% by 1990, as government regulation of gas stations began in earnest. Ten years later the number of gas stations had decreased by half again. At the remaining gas stations, the number of nozzles per station has jumped from 7 to 12. Automated pumps and payment options mean fewer employees to operate the station and serve the customer. Although fewer in number, the remaining gas stations are managing to keep up with the public's increasing demand for fuel and the need to safeguard the environment.



Pumping gas

Teacher's Background



New York on September 11, 2001

Controversy is inevitable in a democracy. The size and diversity—ethnic, religious, geographic, philosophical, socioeconomic—of the United States ensure that varying values and interests will motivate people to take a wide array of positions on issues that face the nation. Many of the conflicts that arise in our society do so when individual rights and liberties and the common good are at odds.

These conflicts put pressure on both citizens and our government alike, for it is our shared responsibility to promote both. For example, since the terrorist attacks of September 11, 2001, we have repeatedly debated how best to balance personal rights and liberties, such as freedom from unreasonable search and seizure, with national security needs.

The founders of the United States believed in the concept of natural, inalienable rights—those rights that adhere to being human and cannot

be transferred or taken away. Yet a group of the founders also felt strongly that the Constitution should specifically protect individual rights and liberties against a powerful central government. Their belief was so strong they opposed ratification of the Constitution until backers promised a Bill of Rights. The Bill of Rights provides legal protection for many of the individual's most important rights. The California Constitution, in Article I, also provides legal protection for the rights of Californians. Specific laws at the

local, state, and national level also protect individual rights; for example, the federal Voting Rights Act protects suffrage rights for all Americans.

Rights are not, however, limitless. The courts have consistently ruled that rights do have limits; the courts require that the government prove that there is an important reason for limiting rights (the level of scrutiny of the state interest varies from a “rational basis” to a “compelling state interest” depending on the right involved as well as whose rights are being limited). The government’s



purposes in limiting rights are generally to promote the common good—that is, to provide benefits to a large number of people or meet the needs of society.

Defining the common good is challenging. The Preamble to the U.S. Constitution provides some clues as to what the founders had in mind—a society that was just, enjoyed peace within its borders and some level of well-being among the people, had a strong defense, and protected the liberties of present and future generations. Many of the phrases in the Preamble are vague, however: what exactly, for example, does “general Welfare” mean? In addition, conceptions of the common good change as society evolves. As the United States has grown and issues facing the U.S. government have become more complex, a high level of literacy among the population has risen in importance.

The environment’s role in the common good is another example of how ideas change over time. For many years, Americans considered nature merely a source of resources for extraction and consumption. Over time, this way of thinking has evolved, in part, because the growth of human population and communities has influenced the natural environment to such an extent that science has popularized the very idea of conservation. Today, most Americans would agree that managing the environment is essential to the nation’s economy (general welfare) and security (common defense).

Certainly, individuals have a role to play in promoting the common good, including protecting the environment. Doing so may require civic virtue—that is, it may require that people put the public interest ahead of their own rights, liberties, or interests. Often, however, the

government must act to make the difficult decisions that balance environment protection (the common good) with individual rights and liberties.

Regulation of land use and land ownership provides one example of how the government balances individual rights/liberties with the common good. In 2002, private owners held 61 percent of the approximately 2.3 billion acres of land in the United States; the federal government held 28 percent, state and local governments held 9 percent, and American Indian nations held 2 percent. The Department of the Interior and the Department of Agriculture manage most of the federal land, which is largely in the West. The Bureau of Land Management (BLM) is an agency within the U.S. Department of the Interior that administers public lands. BLM’s mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations; that is, enhancing the common good is essential to

BLM’s mission.

Similarly, the National Park Service (NPS) is an agency with the Department of the Interior; it cares for the system of national parks, public lands set aside to preserve, protect, and share the nation’s natural legacy. As with the BLM, promoting the common good is essential to the mission of the NPS.

While the federal government regulates and manages the use of public lands and resources, who regulates the use of private lands and resources? Private citizens have a right to own land, but, as there are no permeable or impermeable boundaries between systems, activities on private lands may influence the natural systems connected to other private or public lands. Runoff of chemical byproducts into streams or oceans, pollutants transported by air, or toxins seeping into groundwater degrade the environment and create situations that directly affect the general welfare. Depending on the location of the private land and the issue related to



New housing development



Polluted water

the land and resources, various local, state, or federal laws, regulations, or policies may specify appropriate and inappropriate use of private lands and their natural resources. Zoning laws, building and housing laws, environmental protection regulations, tax laws, and urban renewal and revitalization plans all exemplify public policy regarding management of private lands.

Handling of waste provides a good example of how the government has moved to regulate a previously unregulated activity on private land. Long ago, people buried trash directly in the ground or burned it in small piles. In early pre-industrial times when this was the practice, most waste was organic, consisting mainly of ash from fires, wood, animal carcasses, and vegetable waste. Today, waste includes far more items, many of which are not compostable and/or emit toxic fumes when burned. As a result, our waste now ends up in a communal landfill or waste incineration plant, which are carefully regulated by the government. Beyond the immediate burial or burning of waste, laws require landfill owners to monitor

groundwater and soil leachate, and incinerator owners must monitor the emissions from their smokestacks. Both laws protect the natural environment and human health.

Similarly, the government has mandated refinement of modern practices of using underground storage tanks to hold petroleum or hazardous substances after discovery that tank leakage has affected groundwater, soil, and human health. The United States Environmental Protection Agency (USEPA) estimates that about 625,000 underground storage tanks exist in the United States. As a result of improper installation, some of these tanks have leaked harmful substances into the soil or groundwater. Some have leaks due to corrosion, and owners have abandoned others. Specific federal and state laws guide the testing, monitoring, closure, and cleanup associated with these tanks found primarily at gas stations. Gas station owners also must follow additional laws regulating the use of their property in order to protect the environment. For example, the

Enhanced Vapor Recovery Program requires all California gas stations to install dripless pumps by April 2009 to reduce gasoline spillage. This plan has already required vapor recovery systems, which cut 95 percent of emissions during gasoline transfer at the pumps. The government designed the Enhanced Vapor Recovery Program to limit gas emissions by 7 tons per day statewide to improve air quality.

Eminent domain is another example of how the government balances the common good with individual rights. Rooted in the common law, eminent domain is the government's power to appropriate private property for public use. The Fifth Amendment requires that the federal government follow due process and compensate the owner when it takes private land. The Fourteenth Amendment extends those requirements to state governments. The power of eminent domain remains controversial, as evidenced by a 2005 Supreme Court case, *Kelo v. City of New London*. In this case, the Court held that a government could take private property and give it to another private interest if the proposed use of the land would benefit the public (for example, through economic redevelopment). The decision generated great controversy, demonstrating that the conflict between individual rights and the common good remains a contested area in our democracy.

Private organizations and individuals often seek to influence government decision-making regarding land use and other environmental issues. A variety of national, state, and local environmental organizations contribute to oversight, advocacy, and communications about natural systems and natural resource



Over the past two decades, such processes have become even more complex as policy makers try to ensure that certain populations do not bear an undue burden in terms of degradation of the environment in their community.

Concern that minority and low-income populations bear a disproportionate amount of adverse health and environmental effects led President William Clinton to issue Executive Order 12898, in 1994. This Executive Order was called “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” This order focuses federal agencies’ attention on the issue of environmental justice. For example, the USEPA aims to enhance environmental quality for all while addressing disparities found in communities that nearby hazardous waste disposal facilities have disproportionately and adversely affected. The USEPA believes that including the public and addressing community concerns early and often in the decision-making process helps prevent and alleviate many of the issues that certain communities have experienced in the past.



United States Environmental Protection Agency

protection. Many work directly to preserve and safeguard plants, animals, and natural ecosystems. Other such organizations provide information related to the environment to citizens so they can make informed decisions when voting.

Making decisions on environmental issues is nearly always a complex and difficult process. Diverse groups and individuals bring varied perspectives to the debate; these perspectives are among the wide spectrum of factors policy makers must consider in making decisions. Only with skilled negotiation can they reach resolutions.

Consider the case of airport expansion. A city sees a need to expand its airport runways to ensure a healthy economy in the area; but expanding the airport will inevitably affect the natural environment in the area and community uses of what was once “open space.” Different legislative and regulatory bodies and systems participate in a decision as complex as this one. They bring together information and perspectives to determine what is best for the common good, or society—as well as the environment—while respecting individual rights and liberties.

Glossary

Byproducts: Incidental products or results of human or natural system processes, such as materials remaining after manufacturing.

Civic virtue: Willingness to put the public interest or common good ahead of individual interests.

Common good: Something that benefits the greatest number of people, balancing self-interest with the needs of the greater community.

Consumption: The process of using goods produced by natural or human social systems.

Eminent domain: The right of a government to appropriate private property for public use, usually with compensation to the owner.

Extraction: The removal of a natural resource or the separation of a metal from ore.

Policy: A course of action adopted and pursued by a group or its rulers.

Regulation: A rule, law, or ordinance that is designed to control or govern conduct.

Rights: Powers or liberties to which a person is entitled, justified by law, faith, or reason.

Unit Planner

	Lesson	Learning Objective(s)	At a Glance
1	In Pursuit of Life, Liberty, and the Common Good Preparation Time: 15 min. Instructional Time: 55 min.	<ul style="list-style-type: none"> ■ Identify the spectrum of factors considered in making decisions about resources and natural systems, how those factors influence decisions, and how the enjoyment of one's rights in relation to the environment entails respect for the rights of others. 	<p>Students discuss a controversial issue in which individual rights/liberties conflict with the common good: school cell phones bans. Students develop a definition of the "common good" based on the Preamble and write about how environmental issues relate to the common good.</p>
2	Civic Virtue: Is It in You? Preparation Time: 15 min. Instructional Time: 55 min.	<ul style="list-style-type: none"> ■ Identify the spectrum of factors considered in making decisions about resources and natural systems, how those factors influence decisions, and how the enjoyment of one's rights in relation to the environment entails respect for the rights of others. ■ Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the "common good." 	<p>Students analyze factors considered in making decisions about the environment when the common good and individual rights conflict, focusing on decisions individuals make. They discuss scenarios in which teenagers might demonstrate civic virtue and write about one of the scenarios.</p>
3	So You Want to Own a Gas Station Preparation Time: 10 min. Instructional Time: 55 min.	<ul style="list-style-type: none"> ■ Describe how laws, regulations, and policies affecting land use and land ownership can have a major influence on the growth of human populations and communities. ■ Describe how laws, regulations, and policies directly affect the extraction, harvest, transportation, and consumption of natural resources, as well as management of the resulting byproducts. ■ Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the "common good." 	<p>Students consider their rights to own and operate a business (a gas station), read an article about laws and regulations related to owning and selling a gas station in California, and write a letter explaining whether they would buy a gas station.</p>



Prerequisite Knowledge	All Materials Needed	Textbook Alignment
<p>Students should know:</p> <ul style="list-style-type: none"> ■ how the U.S. Constitution reflects a balance between the classical republican concern with promotion of the public good and the classical liberal concern with protecting individual rights; and discuss how the basic premises of liberal constitutionalism and democracy are joined in the Declaration of Independence as “self-evident truths.” <p>Students should be able to:</p> <ul style="list-style-type: none"> ■ analyze and discuss controversial public issues. 	<p>Lesson Toolboxes identify lesson-specific needs.</p> <p>A-V Equipment:</p> <ul style="list-style-type: none"> ■ overhead or LCD projector, screen <p>Class Supplies:</p> <ul style="list-style-type: none"> ■ notebooks ■ paper ■ pencils or pens 	<p>12.2.2. AMSCO: Basic Principles of American Government Page 91 Civics For Today Pages 199–201, 210–224</p> <p>EMC: American Government: Citizenship and Power (2008) Pages 8–10, 50–51, 270–271, 478–479, 635–659</p> <p>Glencoe: Democracy in Action (2003) Pages 26, 32, 431, 435, 582–583, 721</p> <p>Holt: American Government (2003) Pages 196–197, 507–508, 510, 524</p> <p>McDougal Littell: The Challenge of Democracy, Seventh Edition PE Pages 308–313, 556–557, 578–580, 612, 615–616, SG Ch. 1, 2, 3, 10, 17, 18, 19</p> <p>American Government, Eighth Edition PE Pages 201–202, 232–233, 407–409, 446–453, 459–477, SH Ch.4, 8, 9, 14, 15, 16</p> <p>12.2.5. AMSCO: Basic Principles of American Government Pages 70–71</p> <p>Civics For Today Pages 234–277</p> <p>EMC: American Government: Citizenship and Power (2008) Pages 15, 130–136, 196–197</p>
<p>Students should be able to:</p> <ul style="list-style-type: none"> ■ identify the spectrum of factors considered in making decisions about resources and natural systems. ■ describe how the spectrum of factors influences decisions about resources and natural systems. 		
<p>Students should be able to:</p> <ul style="list-style-type: none"> ■ conduct a cost-benefit analysis. 		

	Lesson	Learning Objective(s)	At a Glance
4	Whose Beach Is It Anyway? Preparation Time: 15 min. Instructional Time: 55 min.	<ul style="list-style-type: none"> ■ Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the “common good.” ■ Describe how laws, regulations, and policies affecting land use and land ownership can have a major influence on the growth of human populations and communities. 	<p>Students review two amendments to the U.S. Constitution and relate eminent domain to the common good. They read about a California land use dispute and consider what specific stakeholders would do at various steps in the case’s journey to the Supreme Court.</p>
5	When Common Goods Collide... Preparation Time: 15 min. Instructional Time: 55 min.	<ul style="list-style-type: none"> ■ Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the “common good.” ■ Identify the spectrum of factors considered in making decisions about resources and natural systems, how those factors influence decisions, and how the enjoyment of one’s rights in relation to the environment entails respect for the rights of others. 	<p>Students learn about the Sunshine Canyon Landfill and issues facing the California Integrated Waste Management Board as it considered combining the city and county landfills. Students simulate a public meeting, consider community members’ opinions, and develop solutions to the conflict.</p>



Prerequisite Knowledge	All Materials Needed	Textbook Alignment
<p>Students should know about:</p> <ul style="list-style-type: none">■ the political principles underlying the U.S. Constitution and the enumerated and implied powers of the federal government.■ the powers of government set forth in the Constitution and the fundamental liberties ensured by the Bill of Rights.		<p>Glencoe: Democracy in Action (2003) Pages 24–25, 41, 370, 384–385</p> <p>Holt: American Government (2003) Pages 14–15, 298–299, 302–303, 307, 311, 399</p> <p>McDougal Littell: The Challenge of Democracy, Seventh Edition PE Pages 511–546, SG Ch. 1, 5, 16</p> <p>American Government, Eighth Edition PE Pages 112–118, 230–232, 499–500, 503–507, 528–529, 539–540, SH Ch. 4, 5, 9, 18, 19</p> <p>Based on sample textbooks available at the time of production.</p>
<p>Students should know about:</p> <ul style="list-style-type: none">■ the influence of, need for, and controversies associated with environmental conservation, and the development of environmental protection laws, with particular attention to the interaction between environmental protection advocates and property rights advocates. <p>Students should be able to:</p> <ul style="list-style-type: none">■ summarize information and identify key arguments.		

English Language Development

Lessons in the EEI Curriculum are designed to support students' English language development. The strategies in these lessons are based on some of the practices identified in the Reading/Language Arts Framework for California Public Schools (California Department of Education 2007) and ideas adapted from the San Joaquin County Office of Education's Regional Technical Assistance Center.

To establish successful instructional strategies for all students, the teacher should:

- **Use a wide variety of ways to explain a concept or assignment.** When appropriate, the concept or assignment may be depicted in graphic or pictorial form, with manipulatives, or with real objects to accompany oral and written instructions.
- **Provide assistance in the specific and general vocabulary** prior to each lesson, using reinforcement and additional practice afterward. Instructional resources and instruction should be monitored for ambiguities and language that could be confusing to students, such as idioms.
- **Ask each student frequently to communicate** his or her understanding of the concept or assignment. Students should be asked to verbalize or write down what they know, thereby providing immediate insight into their thinking and level of understanding. In addition, students should be encouraged to confer about each other's understanding of the concept being taught and the classwork or homework assignments, particularly if the students are not fully proficient in English.
- **Check frequently for understanding in a variety of ways.** When a student does not understand, analyze why.
- **Allow students to demonstrate their understanding and abilities** in a variety of ways while reinforcing modes of communication that are used on standardized tests.
- **Use pacing to differentiate instruction according to students' needs.** Reinforce the more difficult concepts for students experiencing difficulty in the language arts by providing additional time and using the visual aids provided. Accelerate the instructional pace for advanced learners if the assessments indicate mastery of the standard.



The California EEI Curriculum includes a variety of research-based English language development practices, such as:

Vocabulary Development

- Teach difficult vocabulary prior to and during the lesson
- Provide reading, speaking, and assessment tasks that reinforce new vocabulary

Reading Comprehension

- Use grade-level readers, articles, and reading assignments to build comprehension in the content area
- Engage students in meaningful interactions about text
- Provide activities that assess student comprehension and build decoding skills

Writing Strategies and Applications

- Provide opportunities for students to organize ideas and information in a written form including concept maps

- Use stories, articles and other written materials to model good writing
- Provide assessment tasks that allow students to apply their grade-level writing skills

Listening and Speaking Strategies and Applications

- Ask questions to ensure comprehension
- Elicit responses from all students, encourage students to give elaborate responses, and give students time to respond to questions
- Incorporate students' responses, ideas, examples, and experiences into the lesson
- Model and teach language patterns needed to understand and participate in the study of the content areas
- Encourage a high level of response accuracy
- Use visual aids, manipulatives, and real objects to support content delivery

The lessons in this unit can be used to support a variety of English language arts skills. This matrix summarizes how each of the lessons can be used to support English language development.

	V Vocabulary	R Reading	W Writing	L Listening	S Speaking
Lesson 1	✓	✓	✓	✓	✓
Lesson 2	✓	✓	✓	✓	✓
Lesson 3	✓	✓	✓	✓	✓
Lesson 4	✓	✓	✓	✓	✓
Lesson 5	✓	✓	✓	✓	✓

Differentiated Instruction

The 2007 Reading/Language Arts Framework for California Public Schools (California Department of Education 2007) provides guidance for helping students with diverse abilities succeed with California's English–Language Arts Content Standards. The instructional units developed for California's Education and the Environment Initiative provide ample opportunities for teachers to differentiate instruction to meet these needs.

It is important to take into account the State Board of Education's and Department of Education's guidance on differentiated instruction while implementing this instructional unit. Page 263 of the 2007 Framework summarizes this guidance as follows:

The diversity of California's students presents unique opportunities and significant challenges for instruction. Students come to school with a wide variety of skills, abilities, and interests as well as varying proficiency in English and other languages. The wider the variation of the student population in each classroom, the more complex becomes the teacher's role in organizing high-quality curriculum and instruction in the language arts and ensuring that each student has access according to the student's current level of achievement. The ultimate goal of language arts programs in California

is to ensure access to high-quality curriculum and instruction for all students in order to meet or exceed the state's English–language arts content standards. To reach that goal, teachers need assistance in assessing and using the results of that assessment for planning programs, differentiating curriculum and instruction, using grouping strategies effectively, and implementing other strategies for meeting the needs of students with reading difficulties, students with disabilities, advanced learners, English learners, and students with combinations of special instructional needs.

Procedures that may be useful in planning for universal access are to:

- Assess each student's understanding at the start of instruction and continue to do so frequently as instruction advances, using the results of assessment for program placement and planning.
- Diagnose the nature and severity of the student's difficulty and modify curriculum and instruction accordingly when students have trouble with the language arts.
- Engage in careful organization of resources and instruction and planning to adapt to individual needs. A variety of good teaching strategies that can be used according to the situation should be prepared.
- Differentiate when necessary as to depth, complexity, novelty, or pacing and focus on the language arts standards and the key concepts within the standards that students must master to move on to the next grade level.
- Employ flexible grouping strategies according to the students' needs and achievement and the instructional tasks presented.
- Enlist help from others, such as reading specialists, special education specialists, parents, aides, other teachers, community members, administrators, counselors, and diagnosticians when necessary and explore technology or other instructional devices or instructional materials, such as braille text, as a way to respond to students' individual needs.

Additional information about best practices in differentiated instruction are detailed in Chapter 7 of the Framework.

Traditional Unit Assessment

Description

This Land Is Our Land (Traditional Unit Assessment Master) is comprised of multiple choice and short answer questions that assess students' achievement of the unit's learning objectives. Successful completion of this test demonstrates their proficiency with History-Social Science standards 12.2.2. and 12.2.5.:

"Explain how economic rights are secured and their importance to the individual and to society (e.g., the right to acquire, use, transfer, and dispose of property; right to choose one's work; right to join or not join labor unions; copyright and patent);" and "Describe the reciprocity between rights and obligations; that is, why enjoyment of one's rights entails respect for the rights of others."

Distribute a copy of **This Land Is Our Land** to each student. Collect completed tests.

Advanced Preparation

Gather and prepare Traditional Unit Assessment Masters:

- **This Land Is Our Land**
SM, Pages 3–5
One per student

Suggested Scoring

An Answer Key and Sample Answers for **This Land Is Our Land** are provided on pages 20–22. There are 31 total points possible.

Preparation Time

10 min.

Assessment Time

55 min.

This Land Is Our Land

Traditional Unit Assessment Master | page 1 of 3

Name: _____

Part 1: Multiple Choice

Instructions: Select the best answer and circle the correct letter. (2 points each)

1. In April 2009, all gas pumps must have dripless nozzles. Which of the following statements best describes this new law?
 - a. This law was passed because policy makers want to make gas stations more profitable.
 - ☒ b. Concern for the common good outweighed the interests of gas station owners in passing this law.
 - c. Concern for the common good was not a factor in passing this law.
 - d. This new law has no impact on an individual's rights, liberties, or interests.
2. Which of the following is the best example of how laws, regulations, and policies have a major influence on the growth of human populations and communities?
 - a. The U.S. Supreme Court declares void state actions designed to protect the environment if those actions are unconstitutional.
 - ☒ b. The California Coastal Commission regulates land ownership and building on the California coast through a permitting process.
 - c. Students at a California high school take on a project to reduce the amount of waste generated at their school.
 - d. Underground storage tanks at California gas stations are carefully monitored by government agencies.
3. Which of the following would not be considered an aspect of the common good?
 - a. fresh drinking water
 - b. clean air to breathe
 - ☒ c. an industrial park
 - d. a safe community
4. Which is the best definition of the term "civic virtue"?
 - a. Willingness to work within a community's non-profit organization.
 - b. The well-being and benefit of everyone in a society; the public interest.
 - c. The right to have one's voice heard in the process of making environmental policy.
 - ☒ d. Willingness to put the public interest or common good ahead of individual interests.
5. The "Takings Clause" is an example of
 - a. local government addressing environmental concerns.
 - ☒ b. a policy that balances individual rights and the common good.
 - c. an individual's rights to maintain private property.
 - d. federal government addressing environmental concerns.

Answer Key and Sample Answers

This Land Is Our Land

Traditional Unit Assessment Master | page 2 of 3

Name: _____

6. Which of the following is not an example of a law, regulation, or policy created to improve protection for natural systems?
- ☒ a. Fourteenth Amendment
 - b. Clean Air Act
 - c. Coastal Commission Act
 - d. CIWMB rules on landfill operations
7. Which of the following should not be a factor considered in making decisions about natural systems and resources?
- a. Who has a right to these natural resources and natural systems.
 - b. How these natural resources will benefit the common good.
 - ☒ c. How the laws can be changed to maximize use of nonrenewable resources.
 - d. What laws and policies about land use and management already exist.
8. Which of the following is an example of how laws and regulations affecting land use have a major influence on communities?
- a. Gas stations are becoming more automated and thus require fewer employees.
 - b. The CIWMB regulates landfill management, procedures, and environmental testing.
 - ☒ c. The California Coastal Commission was established by voter initiative in 1972.
 - d. The human footprint is determined by population and high energy use.

Part 2: Short-Answer Questions

Instructions: Use information from this unit to write a brief response to each of the following questions. Each question is worth 5 points.

9. Explain what the following statement means: The enjoyment of one's rights in relationship to the environment entails respect for the rights of others. Use at least one example from the unit to illustrate your points.

Individuals have a right to enjoy and benefit from the natural environment—air, land, and water.

However, people also have an obligation to respect the rights of others to also enjoy and benefit from the natural systems and resources. People should not pollute, harm, or deplete natural systems or resources because these are resources required for the common good of our society and other societies. People share these important resources with others on the planet. For example, Ramon wanted to take a long shower every day; while he had the freedom to do so, he should show respect for others in using a resource that is in short supply. Another part of what this statement means is that people have the right to own property; however, they cannot use their land in a way that detracts from others'

Answer Key and Sample Answers

This Land Is Our Land

Traditional Unit Assessment Master | page 3 of 3

Name: _____

ability to enjoy the environment. For example, gas station owners have the right to own their businesses, but the state can regulate the way they use the land in order to protect the common good and environmental health of the community.

10. Give two examples of government decisions related to the use of natural systems and resources that considered a balance between individual rights and liberties and the common good. Give an example of an individual decision that considered this same balance.

The decision to combine a city and county landfill into one landfill considered citizens' individual rights to a quiet and clean community as well as the common good of a larger, less expensive landfill.

The Supreme Court decision to overturn the California Coastal Commission's requirement of a public easement on the Nollan's private beachfront property weighed the individual rights of the Nollans with the public good of beach access. In the end, the court ruled that the Nollans have a constitutional right to their property and were not offered compensation, therefore the Commission's action was in violation of the Fifth and Fourteenth Amendments.

Taylor and Kyoko, the two students who bought packaged food for lunch every day, considered balancing their freedom to buy the products they prefer and their interest in keeping the costs to them low with the generation of extra waste from the packaged foods.

11. Describe a law, regulation, or policy that directly affects the use of natural resources by an individual.

Dripless gas pumps are required by law to reduce the vapor emissions that escape when gas is pumped into vehicles at gas stations. The use of the natural resource, gas, is regulated in this way affecting costs and management of the natural resource.

Alternative Unit Assessment

Description

The assessment strategy described below offers students an alternative way to demonstrate their achievement of the unit's learning objectives and mastery of the standard. There are many other alternative assessment strategies that teachers may choose to develop for use with this unit. Additionally, some students may require assessment strategies that are adapted to their individual needs.

Presentation: This Land Is Our Land (Alternative Unit Assessment Master) has students identify, research, and present information about a local issue related to use and management of natural systems and resources that demonstrate their proficiency with History-Social Science standards 12.2.2. and 12.2.5.: "Explain how economic rights are secured and their importance to the individual and to society (e.g., the right to acquire, use, transfer, and dispose of property; right to choose one's work; right to join or not join labor unions; copyright and patent)" and "Describe the reciprocity between rights and obligations; that is, why enjoyment of one's rights entails respect for the rights of others."

Advanced Preparation

Gather and prepare Alternative Unit Assessment Masters:

- **Presentation: This Land Is Our Land**
SM, pages 6–7
One per student
Write the due date for the project on **Presentation: This Land Is Our Land** before copying it.
- **Research Plan/Proposal**
SM, page 8
One per student

Gather and prepare Visual Aids:

- prepare a transparency with a screen shot of the California Resources Agency home page, <http://www.resources.ca.gov/> with the list (and icons) of current actions.

Materials Needed

Activity Supplies:

- reference materials, resources including current events articles and news (for example, newspapers and newsmagazines)

A-V Equipment:

- computers with internet access

Suggested Scoring

Use the **Presentation: This Land Is Our Land Scoring Tool** provided on page 24 and the sample provided on pages 26–27 to assess students' work. There are 24 total points possible.

Preparation Time

20 min.

Assessment Time

55 min. class time to present project and select possible topics, plus additional out-of-class time as determined by teacher.

Safety Notes

None

Presentation: This Land Is Our Land Scoring Tool

Element	4 Points	3 Points	2 Points	1 Point
Describes a current conflict in the local community over an element of the common good and individual rights and liberties that involves resources or the environment.	Student accurately explains a local issue related to land use or land management and explains the factors related to individual rights and liberties as well as the common good involving natural systems or resources.	Student describes a local issue related to land use or land management and describes factors related to individual rights and liberties and/or the common good involving natural systems or resources.	Student states local issue related to land use or land management and provides at least one factor related to individual rights and liberties or the common good involving natural systems or resources.	Student identifies a local issue related to the environment.
Identifies the spectrum of factors being considered (for example, individual rights/liberties and the common good) in making decisions about local resources and natural systems, in this case.	Student accurately explains a variety of factors considered in making decisions about local natural systems and resources and identifies who makes the decisions in these matters.	Student describes some of the factors considered in making decisions about local natural systems and resources and states who makes the decisions in these matters.	Student states at least one factor considered in making decisions about local natural systems and resources and may state who makes the decisions in these matters.	Student identifies who or what is involved in making a decision about this issue.
Describes how (proposed or actual) government decisions in regard to this case are or will influence individuals and the local community.	Student describes the effects of decisions in regard to this issue and how the decision will influence individuals and the local community.	Student describes how decisions in regard to this issue may influence individuals and/or the local community.	Student states that decisions in regard to this issue may influence individuals and/or the local community.	Student connects decisions to individuals or community.
Describes how (proposed or actual) government decisions in regard to this case can or will affect the extraction, harvest, transportation of natural resources, as well as management of the resulting byproducts, on lands and resources that individuals own.	Student accurately explains how a decision in this case will affect the extraction, and/or harvest, transportation of natural resources. Student explains management of resulting byproducts and the effect on lands and resources owned by individuals.	Student describes how a decision in this case will affect the extraction, harvest, transportation, or consumption of natural resources. Student describes management of resulting byproducts and the effect on lands or resources owned by individuals.	Student states that a decision in this case will affect the extraction, harvest, transportation, and/or consumption of natural resources. Student identifies management of resulting byproducts and may mention the effect on lands or resources owned by individuals.	Student connects decision in this case with effect on natural systems and resources.
Explains how decisions related to the use and management of natural systems and resources in this case are or will result from the need to balance individual rights and liberties and the common good.	Student effectively explains how decisions related to the use and management of natural systems and resources in this case are/ will result from the need to balance individual rights and liberties with the common good.	Student describes how decisions related to the use and management of natural systems and resources in this case are/ will result from the need to balance individual rights and liberties with the common good.	Student states that decisions related to the use and management of natural systems and resources in this case are/ will result from the need to balance individual rights and liberties with the common good.	Student connects decisions in this case with individual rights and the common good.

Procedures

Step 1

Show the screen shot of the California Resources Agency home page with the list of current actions. Discuss these actions as being aspects of the common good that the state government is currently working to promote. Discuss which of these aspects of the common good relate to an important issue in your local community. Recall local current events with the help of your local newspaper if necessary. Have students identify the aspects of the common good on the list that are of recent concern to individuals in their local community.

Step 2

Distribute **Presentation: This Land Is Our Land** (Alternative Unit Assessment Master) with the instructions and guiding question, the presentation options, and the due date for their work. Distribute a copy of the **Presentation: This Land Is Our Land Scoring Tool** and review the criteria for the assignment.

Step 3

Provide time for students to think about what issue they will pursue. Encourage them to use information gained from the lessons as well as their imaginations and knowledge of how communities work.

Distribute the **Research Plan/Proposal** (Alternative Unit Assessment Master). Have students fill it out and turn it in.

Step 4

If possible, arrange for presentation time for students to share their work with their classmates or another audience. Collect **Research Plan/Proposal** and **Presentation: This Land Is Our Land** for use in assessment.

Answer Key and Sample Answers

Presentation: This Land Is Our Land

Alternative Unit Assessment Master | page 1 of 2

Name: _____

Topic/Issue: _____ Due Date: _____

Instructions: Complete the Research Plan/Proposal and review with your teacher. Collect news articles and information about your local issue. Interview people about the issue, if possible. As you research your issue, answer the questions on this form. Then transform your responses into a presentation for the class. You may present this information in a multimedia format (PowerPoint slideshow or website), brochure, poster, written report, video documentary, or other format (check with your teacher if your chosen format is not on this list). Regardless of the format you choose, the information requested below must be presented.

1. Identify a local issue related to land use or land management in which an agency or organization is seeking the common good. Describe the issue.

Answers will vary based on the articles students select.

2. Identify the spectrum of factors being considered (for example, individual rights/liberties and the common good) in making decisions about local resources and natural systems. Describe the factors in your case and name the natural systems and resources.

Answers will vary based on the articles students select.

Answer Key and Sample Answers

Presentation: This Land Is Our Land

Alternative Unit Assessment Master | page 2 of 2

Name: _____

Topic/Issue: _____ Due Date: _____

3. Describe how (proposed or actual) government decisions in regard to this case are or will influence individuals and the local community.

Answers will vary based on the articles students select.

4. Describe how (proposed or actual) government decisions in regard to this case can or will affect the extraction, harvest, transportation, and consumption of natural resources, as well as management of the resulting byproducts, on lands and resources that individuals own.

Answers will vary based on the articles students select.

5. Explain how decisions related to the use and management of natural systems and resources in this case are or will result from the need to balance individual rights and liberties and the common good.

Answers will vary based on the articles students select.

Research Plan/Proposal

Alternative Unit Assessment Master

Name: _____

Instructions: Use this page to plan aspects of your project, communicate with the teacher, and indicate what needs you might have.

What topic are you considering for the assignment?

What do you already know about this topic?

Where will you go to find out more about this topic?

How would you like to present the information you find (what form will your product take)?

With what do you think you will need help?



Extensions & Unit Resources



Extension Ideas

Invite guest speakers in your local area from any of the organizations or agencies discussed in this unit or have guests from your local government come to your class to speak. In either case, the guest speakers should address questions from your students about local environmental issues in which individual rights and the common good are in conflict.

Contact your local newspaper to receive class sets of the newspaper for a period of time (one week, a month, etc.) Many large newspapers provide this service at a reduced, or at no, cost. Ask students to scan the newspaper for issues related to decisions being made about natural systems or natural resources. Have students analyze issues found for the involvement of individual rights and liberties vs. the common good. Ask students to share their findings through class discussions, a written journal, or a “Current Events” board posted in the classroom or on the school’s website.

If they have not read it, have the class read *Utopia*, by Sir Thomas Moore (a digitized version can be downloaded for free from books.google.com (<http://books.google.com/books?id=ARn1aXn52c8C&printsec=titlepage>). After reading the book, have students create a plan for a “utopian community” (i.e., town, city, or region) and explain how land and resources are owned, used, and managed in the community. As part of their plan, ask students to tell the story of an issue confronting the utopian community in which individual rights, liberties, and the common good are at odds in regards to resource use and/or access. Students should describe the spectrum of factors involved in the issue and explain how those factors would likely influence the decisions made.

Ask students to create posters to teach other students what they have learned about civic virtue and the environment. The poster should (1) introduce the concepts of the common good and civic virtue; (2) give an example of an environmental issue in which the common good and individual rights, liberties, or interests conflict (the issue should be one high school students face), and (3) encourage students to think about their own decisions.

Ask students what the title of this unit means to them. Play Woodie Guthrie’s song “This Land is Your Land” and have students read the lyrics (www.arlo.net/resources/lyrics/this-land.shtml), then discuss why they think Guthrie wrote this song. Explain that Guthrie’s 1940 song had a political message for that era. Ask students to adapt this song to reflect lessons learned in this unit, or find (or write) an appropriate song with a message for this era reflecting the lessons in this unit.

Resources for Students

City of Los Angeles Department of Public Works. Best Management Practices for Gas Stations. http://www.lacity.org/san/watershed_protection/pdfs/gasstation.pdf

California Coastal Commission. <http://www.coastal.ca.gov/>

California Integrated Waste Management Board. Sunshine Canyon Landfill Permit Process. <http://www.ciwmb.ca.gov/PermitToolbox/Notices/SunshineCnyn/default.htm#Comments>



FindLaw. *Nollan v. California Coastal Commission*.

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=483&invol=825>

Net Industries. *Nollan v. California Coastal Commission*. Law Library—American Law and Legal Information.

<http://law.jrank.org/pages/13461/Nollan-v-California-Coastal-Commission.html>

Sunshine Canyon Landfill. <http://www.sunshinecanyonlandfill.com>

U.S. Department of the Interior. Bureau of Land Management. <http://www.blm.gov/wo/st/en.html>

U.S. Environmental Protection Agency. <http://www.epa.gov>

References for Teachers

Andre, Claire, and Manuel Velasquez. 1992. "The Common Good." *Issues in Ethics* 5, no. 1.

<http://www.scu.edu/ethics/publications/iie/v5n1/common.html>

California Coastal Commission. <http://www.coastal.ca.gov/>

Fostering Civic Virtue: Character Education in the Social Studies. Position Statement. National Council for the Social Studies. <http://www.socialstudies.org/positions/character>

Sunshine Canyon Landfill. <http://www.sunshinecanyonlandfill.com>

Trashed (documentary). 2007. <http://www.trashedmovie.com>

U.S. Department of the Interior. Bureau of Land Management. <http://www.blm.gov/wo/st/en.html>

U.S. Environmental Protection Agency. <http://www.epa.gov>

Instructional Support

Agencies, institutions, and organizations throughout California have identified themselves as providing programs and materials that support this unit. Links to these resources are available at <http://www.calepa.ca.gov/Education/EEI/Curriculum/Support.htm>

Lesson 1

We the People of the United States, in order to insure domestic Tranquility, provide for the common defence and our Posterity, do ordain and establish this Constitution.

Article I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative; and until such Enumeration shall be made, the State of New Hampshire shall have three Representatives, Massachusetts eight, Rhode Island and Connecticut five, New York one, New Jersey four, Pennsylvania

U.S. Constitution

In Pursuit of Life, Liberty, and the Common Good

Should schools ban cell phones? Raising lively debate in school districts nationwide, this issue pits the individual rights of students and parents against school administrators' arguments that a greater good exists in cell-phone-free school environments.

In this lesson, students explore definitions and roots of individual rights and the common good while learning about one school district's decision to ban cell phones in the schools. After reading an article about this issue and discussing rights and the common good, students learn about a New York court's

decision to uphold the cell phone ban in New York City schools. Analyzing excerpts from the U.S. Constitution and California Constitution, students further discuss the rights and obligations of U.S. citizens. Students then examine the meaning of "common good" from an environmental

perspective; they write about an environmental issue, identifying the inherent conflict between the common good and individual rights/liberties. Students also propose solutions for this conflict designed to promote the common good while also protecting individual rights and liberties.

Learning Objective

Identify the spectrum of factors considered in making decisions about resources and natural systems, how those factors influence decisions, and how the enjoyment of one's rights in relation to the environment entails respect for the rights of others.



the individual defers to a central authority and relinquishes the freedom to do whatever he or she wants, whenever, and through any particular means. In our democracy, this authority is a “government by the people and for the people.” The U.S. government is responsible for promoting the common good.

While no one definition of the “common good” applies in every situation, important components of a nation’s common good are economic growth and prosperity, security, justice, and good health. A functioning democracy also requires that a standard of literacy be part of the common good. The citizenry charges the government with promoting these components of the common good at all times. At the same time, citizens expect the government to protect and ensure their individual rights and liberties. Sometimes, the common good is at odds with what individuals believe they have a right to do or have.

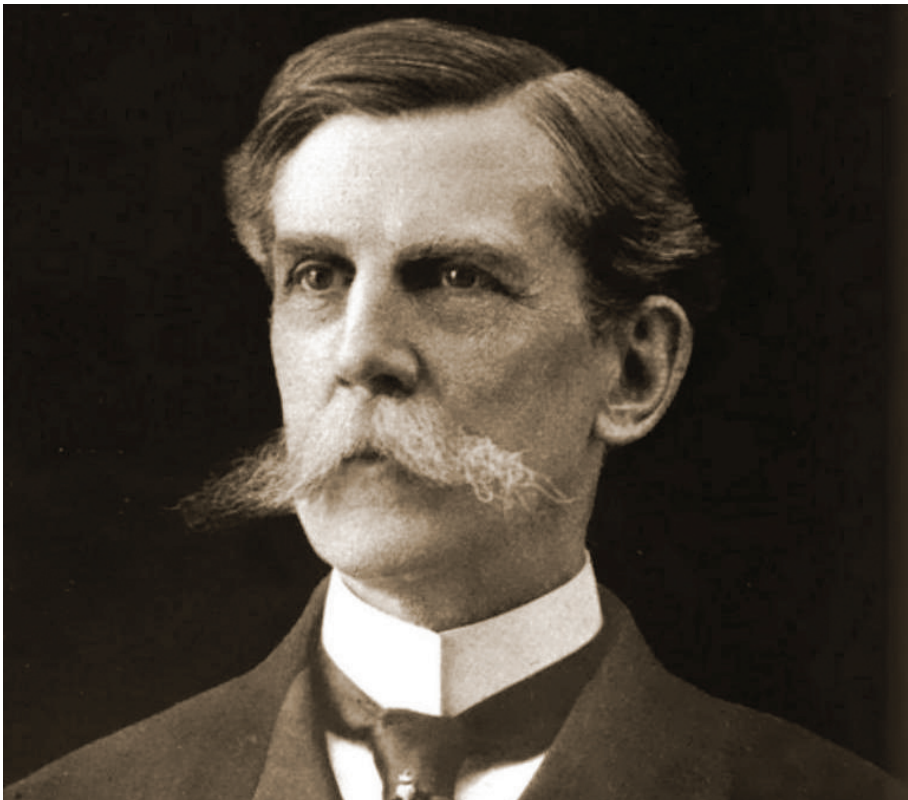
The common good certainly encompasses the environment, which is an important influence on health and security and the foundation for the economy. Thus, the government monitors and manages the environment, often making tough decisions when the rights and liberties of individuals are in juxtaposition to what is best for the common good.

Background

The U.S. Constitution and Bill of Rights guarantee many rights to U.S. citizens. These rights are not without limits, however. Americans have the right to speak freely, for instance, but not the liberty to say anything they want whenever or wherever they want. In the 1919 landmark *Schenck v. United States* decision placing limits on free speech, U.S. Supreme Court Justice Oliver Wendell Holmes, Jr.

pointed out that someone cannot falsely yell “Fire!” in a crowded theater. Likewise, a person cannot indulge in speech that creates a “clear and present danger.”

As members of a community, individuals can expect both protection of their rights and limits on those rights. In joining a community, people enter into what political philosophers have called the social contract; in exchange for preservation of the social order,



Oliver Wendell Holmes, 1902

Key Vocabulary

Common good: The well-being and benefit of everyone in a society; the public interest.

Liberty: Freedom.

Rights: Powers or liberties to which a person is entitled, justified by law, faith, or reason.

Toolbox



Summary of Activities

Students discuss a controversial issue in which individual rights/liberties conflict with the common good: school cell phones bans. Students develop a definition of the “common good” based on the Preamble and write about how environmental issues relate to the common good.



Instructional Support

See Extensions & Unit Resources, pages 30–31.

Prerequisite Knowledge



Students should know:

- how the U.S. Constitution reflects a balance between the classical republican concern with promotion of the public good and the classical liberal concern with protecting individual rights; and discuss how the basic premises of liberal constitutionalism and democracy are joined in the Declaration of Independence as “self-evident truths.”

Students should be able to:

- analyze and discuss controversial public issues.

Advanced Preparation



Gather and prepare Activity Masters.

Gather and prepare Materials Needed.



Materials Needed



Class Supplies:

- pencils or pens

Visual Aids



No additional Visual Aids are required for this lesson.

Duration



Preparation Time

15 min.

Instructional Time

55 min.



Safety Notes

None

Activity Masters in the Supporting Materials (SM)

Key Unit Vocabulary

SM, Page 9
One per student

Court Panel Questions School Ban on Phones

SM, Pages 10–11
One per student

Promoting the Common Good

SM, Pages 12–13
One per student

Procedures

Vocabulary Development

Use the **Key Unit Vocabulary** (Lesson 1 Activity Master) to introduce new words to students as appropriate. This vocabulary sheet is used throughout the unit.

Step 1

Ask students to think about the following questions: Should schools ban cell phones? What are the arguments for and against such a ban? Pair students and have them share their thoughts with their partners. Urge them to think of arguments on both sides of the questions, no matter which side they favor. After a few minutes of discussion, call on students to share their opinions and strong supporting arguments with the class. Note major arguments on both sides of the question in two lists on the board. (*Arguments against the ban: Cell phones are legal and thus students should be able to carry them anywhere in society; students need phones for emergencies; students should be able to communicate with parents during the day; cell phones do not hurt anyone; the ban infringes on parents' right to make decisions about their children. Arguments for the ban: Cell phones disturb classes; having cell phones is distracting; some students use cell phones to cheat; students worry about getting phones stolen.*)

Step 2

Distribute the article **Court Panel Questions School Ban on Phones** (Lesson 1 Activity Master). Ask students to read the article independently and highlight or underline reasons that people might use to support or argue against a ban. Have students share any previously unmentioned arguments and note them in the previous list on the board. (*Answers will depend on arguments listed in Step 1 but arguments against the ban might include that the ban is too broad, unconstitutional, and might lead to other bans; arguments for the ban might include that students take inappropriate pictures on their phones, there is no constitutional right to "bear cell phones," students and parents got along without cell phones for many years, other ways of communicating are available, such as phones in the office.*)

Step 3

Point out that many controversies in society are not conflicts between good and evil but between two goods—the people on opposite sides of the issue place different values on the two goods. For example, since 9/11, many controversies have revolved around the question of whether public safety or individual rights is more important. In many issues, the two sides can be classified as individual rights/liberties and the common good. Review the definitions of the terms “rights,” “liberty,” and “common good” from the **Key Unit Vocabulary**. You may want to help students differentiate between legal rights (those conveyed by a government and codified by legal documents such as statutes or a Constitution) and natural or inalienable rights (those fundamental rights that are part of being human and cannot be taken away or transferred to another person).

Ask students to give examples of instances when the individual rights or liberties of citizens conflict with the common good. You might give students “starters” for their examples; for instance, how might the freedom to drive a car conflict with the common good? (*While a person may have the freedom to drive a car through a city, that person must follow certain traffic laws that are established to make the streets safe for drivers and pedestrians. Without these laws, the city would be unsafe. The common good is a safe city in which people are able to move freely.*) How might the right to free speech conflict with the common good? (*Someone might yell “fire” in a crowded theater when there was no fire. People might panic, threatening safety.*) How might the right to freedom of the press conflict with the common good? (*A reporter might obtain information that would threaten military operations, thus undermining our national security.*)

Point to the two lists you made on the board in Step 1, and ask students which list should be labeled “Individual Rights/Liberties” and which should be labeled “Common Good.” Label the lists accordingly.



Step 4

Organize the class into two groups, assigning one group to oppose the cell phone ban and the other to support the ban. Have the two groups face each other from opposite sides of the room. Tell students they are to make arguments for their assigned position, focusing on the two goods that are in conflict: individual rights/liberties and the common good. Ask students from each group to share their opinions about the ban using information from the article, list of arguments on the board, or personal knowledge and experiences. The sides should alternate making arguments; to keep any one student from dominating the discussion, establish a rule that a student cannot speak for a second time until three other students on the same side have spoken.

Close the discussion by polling students at to what they think the court decided in the New York schools case described in the article. Read the following excerpt from a New York Times article (April 22, 2008, <http://cityroom.blogs.nytimes.com/2008/04/22/court-upholds-school-cellphone-ban/>) reporting the outcome of the New York City schools case:

...The Appellate Court has ruled that the Department of Education has the right to enforce a cell phone ban, despite the outcry from students and their parents.

The battle has been waged for several years, with parents claiming that it was a violation of constitutional rights and that because they were unable to reach their children by phone, their safety was being endangered.

The court ruled squarely in favor of the city, stating that: “Nothing about the cell phone policy forbids or prevents parents and their children from communicating with each other before or after school.

“The Chancellor reasonably determined that a ban on cell phone possession was necessary to maintain order in the schools.”

The Bloomberg administration has repeatedly said that the ban is simply to preserve a safe learning environment for students. But in many schools, students bring their phones to school routinely, and simply hope they do not get caught. Still, hundreds of phones are confiscated each month.

Ask students, “In this case, did the court rule in favor of individual rights and liberties or the common good?” (*The common good*)

Step 5

Tell students that, while no document specifically defines the common good, the Preamble to the U.S. Constitution sets out the intentions of the framers when they wrote the U.S. Constitution. Thus, one might argue that it describes or defines the common good. Recite the Preamble and instruct students to think about what it tells us about the common good: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

Ask students to share their thoughts about what the Preamble suggests about the meaning of “common good.” (*The common good means that a nation is united and has a functioning government; it is a place where justice is found; peace exists among the people within the nation; the nation has a strong military to protect its people; the people living there are healthy, educated, and live well; the people enjoy freedom and a good life and know that their children will have those same benefits.*)

Step 6

Ask students to apply those ideas about the common good to today's society. After students have shared their ideas, ask, "What relationship exists between the natural environment and the common good. How does the environment contribute to or take away from what we want for everyone in society?" (*In order to be healthy and safe, people need clean air, clean and accessible drinking water, uncontaminated soil, clean and safe parks, open space amidst natural habitats.*)

Tell students that you are going to read three cases that involve conflicts between the common good as it relates to the environment and individual rights. As you read each case, students should identify the conflict:

- A developer wants to construct housing in an area inhabited by California gnatcatchers, a federally listed species under the Endangered Species Act. What is the conflict? (*The developer's right to own property and use it as he/she wishes versus the common good of maintaining species diversity.*) In this case, the project was scaled back and the destruction of habitat was mitigated by establishment of a preserve on a parcel of land that was prime habitat. The developer must restore the habitat in that preserve. Is this a good solution? Why or why not? (*Answers will vary.*)
- A landowner wanted to develop a marina, which would have required draining a saltwater marsh. The Clean Water Act requires that the owner cease activity until he/she can prove 'no net loss' of wetlands. What is the conflict? (*The landowner's right to own property and use it as he/she wishes versus the common good of maintaining habitat.*) In this case, the owner mitigated the loss by paying for wetland restoration in another location. Is this a good solution? Why or why not? (*Answers will vary.*)
- A timber company owns land that is prime habitat for spotted owls and marbled murrelets, a federally-listed species under the Endangered Species Act. What is the conflict? (*The timber company's right to own property and use the property as it wishes versus the common good of maintaining habitat and species diversity.*) In this case, the company's timber plan was denied in 1992 due to a federal injunction that prohibited new timber sales in spotted owl habitat. Is this a good solution? Why or why not? (*Answers will vary.*)

Step 7

Distribute **Promoting the Common Good** (Lesson 1 Activity Master) and review directions with students. Instruct students to select one of the topics listed on **Promoting the Common Good**. Students should focus on the topic they selected to complete **Promoting the Common Good**, describing how this topic benefits everyone and contributes to the common good, identifying the individual rights that may conflict with preserving this common good, and proposing reasonable solutions to maintain this common good.

Depending on the time available, have students complete **Promoting the Common Good** in class or as homework.

Collect **Promoting the Common Good** for use in assessment. Students will use **Promoting the Common Good** again in Lesson 2.



Lesson Assessment

Description

Promoting the Common Good (Lesson 1 Activity Master) assesses students' achievement of the learning objective: "Identify the spectrum of factors considered in making decisions about resources and natural systems, how those factors influence decisions, and how the enjoyment of one's rights in relation to the environment entails respect for the rights of others." On this activity master, students choose an environmental topic and identify the spectrum of factors considered in making decisions about it, how those factors influence decisions, and how the enjoyment of one's rights in relation to the environment entails respect for the rights of others.

Suggested Scoring

Use the **Promoting the Common Good Scoring Tool** provided below and the sample provided on pages 40–41 to assess students' work. There are 9 total points possible.

Promoting the Common Good Scoring Tool

Criteria	Advanced (3 points each)	Proficient (2 points each)	Basic (1 point each)
Environmental topic	Chooses an environmental topic that relates to the common good.	Chooses an environmental topic that relates to the common good.	Chooses an environmental topic that relates to the common good.
Factors related to individual rights/liberties, laws, the common good	Identifies several factors (individual rights/liberties, laws, common good) that are considered in making related decisions.	Identifies some factors (individual rights/liberties, laws, common good) that are considered in making related decisions.	Identifies one factor (individual rights/liberties, laws, common good) that are considered in making related decisions.
Proposed solutions	Uses identified factors to propose several reasonable solutions that address individual rights and respect for rights of others (common good).	Uses identified factors to propose some reasonable solutions that address individual rights and respect for rights of others (common good).	Proposes a reasonable solution that addresses the enjoyment of individual rights and respect for the rights of others (common good).

Answer Key and Sample Answers

Promoting the Common Good

Lesson 1 Activity Master | page 1 of 2

Name: _____

Instructions: Select one of the following environmental topics:

- clean air
- clean and accessible drinking water
- uncontaminated soil
- clean and safe parks
- open space amidst natural habitats

Answer the following questions about how this environmental topic relates to the common good, how it might conflict with individual rights and liberties, and how that conflict might be solved.

You will be sharing your work on this topic with your classmates in the next lesson.

Environmental Topic: Clean air

1. Describe how this environmental topic relates to the common good.

For people to be healthy, they must have clean air to breathe every day and in every place they go. Air pollution from secondhand smoke, industrial smokestacks, or car exhaust can cause lung diseases that make people sick. On the one hand, if too many people are sick, defending the country would be difficult; on the other hand, if too many people are sick, they might rebel and cause trouble in the country.

[illegible]

Answer Key and Sample Answers

Promoting the Common Good

Lesson 1 Activity Master | page 2 of 2

Name: _____

2. What individual rights and liberties may conflict with preserving this common good?

A person has the freedom to smoke legal substances, such as tobacco. Business owners have the right to produce goods on their property; this process may result in air pollution. Drivers have the liberty to drive their cars, which create air pollution. Some people prefer to burn their trash on their properties, and this can create pollution.

3. What would be a reasonable way to balance the common good and individual rights and liberties in relation to this part of the environment?

Smokers could pay a clean air tax for every cigarette purchased; government could use the money to cleanup the air. Business owners could use filters that trap pollutants before they escape into the air and be required to dispose of pollutants responsibly. Government could give drivers incentives, such as tax credits, to carpool or take mass transit. Drivers could decide to cut their driving by walking or riding their bicycles to locations near their homes. Government could make burning trash on private property illegal.

Key Unit Vocabulary

Lesson 1 Activity Master

Benefit: Something that is viewed as helpful, useful, or otherwise desirable.

Byproduct: An incidental product or the result of human or natural system processes (for example, materials remaining after manufacturing).

Civic virtue: Willingness to put the public interest or common good ahead of individual interests.

Commission: Group of people officially authorized to perform a particular function.

Common good: The well-being and benefit of everyone in a society; the public interest.

Conditional Use Permit: A document that allows a city or county to consider special uses of land that may be essential or desirable to a particular community but are not allowed within a zoning district.

Cost: The money, time, effort, loss, or sacrifice made to obtain something or achieve a goal.

Easement: Limited right to use another's land for a special purpose.

Eminent domain: The right of a government to appropriate private property for public use, usually with compensation to the owner.

Environmental Impact Report: A study of the possible effects, positive or negative, a proposed project may have on the natural environment.

Liberty: Freedom.

Mitigate: Cause to become less harmful.

Rights: Powers or liberties to which a person is entitled, justified by law, faith, or reason.

Public access: A means of approaching, entering, exiting, or making use of land by members of the public.

Public hearing: Meeting held by a public body to gather information and perspectives from citizens.

Court Panel Questions School Ban on Phones

Lesson 1 Activity Master | page 1 of 2

Court Panel Questions School Ban on Phones

By Anemona Hartocollis

The New York Times, February 7, 2008

<http://www.nytimes.com/2008/02/07/nyregion/07cell.html?fta=y>

Most of the judges on a state appellate court panel seemed to be sympathetic on Wednesday to arguments by parents that a ban on cellphones in New York City schools trampled on their right to make decisions about the safety of their children.

During a hearing in Manhattan on the constitutionality of the ban, the five judges indicated that they were looking for a compromise policy.



Teen texting at school

They asked lawyers for the city and the parents whether it would make sense for children to be able to bring phones into a school building as long as the phones were turned off, and they wondered aloud whether the school's chancellor was being insensitive to the wishes of parents.

One justice, David B. Saxe, remarked that if the chancellor, Joel I. Klein, had been more directly accountable to parents—instead of the mayor—he would probably be out of a job by now.

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Court Panel Questions School Ban on Phones

Lesson 1 Activity Master | page 2 of 2



Judge's bench

A lower-court judge, Lewis Bart Stone of State Supreme Court in Manhattan, upheld the cellphone ban in May, saying that it was "rational" and that neither the federal nor state Constitution guaranteed a "right to bear cellphones." The parents then appealed to the Appellate Division of State Supreme Court.

Norman Siegel, a lawyer for the parents, told the appellate judges on Wednesday that the issue was not the "right to bear cellphones," but the constitutional right of parents to make decisions about the well-being of their children.

He cited a court ruling in the 1990s striking down a plan to distribute condoms in New York City schools without parental permission. In that decision, Mr. Siegel said, the court ruled that parents had a right to make decisions concerning the "custody, care and control" of their children.

Justice Saxe said the parental interest in teaching children about sex "sounds like it's far more intimate," and therefore, perhaps, more compelling.

Justice Andrias said that when his children were in school, they did not have cellphones, and he was not able to communicate with them all day. Nonetheless, he said, he was never investigated for child neglect.

David Leichtman, another lawyer for the parents, responded that the situation had changed after 9/11.

Mr. Leichtman said the cellphone ban was overly broad. He compared it to a 1969 case on Long Island, in which the Hicksville school district wanted to stop girls from wearing hot pants and bell-bottoms to school, and so barred them from wearing any style of pants. The ban was struck down in court.

Justice Andrias asked whether permitting cellphones would lead to children's being allowed to carry hand-held computers in schools.

"Do I have a right to check my computer device between classes?" he asked.

Mr. Siegel replied: "Good question. I think that's where we're going."



Judge's gavel



Lesson 2

Recycling plastic water bottles

Civic Virtue: Is It in You?

In Lesson 1, students analyzed an environmental topic in terms of how it relates to the common good, looked at possible conflicts with individual rights and liberties, and proposed solutions that balance individual rights/liberties and the common good. In this lesson, they begin by analyzing those proposed solutions in terms of who would take the required action—government, individuals, or businesses.

In a democracy, government has an essential role as a “watchdog” for the common good. While subsequent lessons develop this idea further, Lesson 2 encourages students to look at the role of individuals or

businesses and the factors they consider in deciding whether to act for the common good. Students learn the term “civic virtue”—the willingness to act for the common good rather than for individual

rights, liberties, and interests—and discuss scenarios in which high school seniors might be called on to balance individual interests and the common good in making decisions that affect the environment.

Learning Objective

Identify the spectrum of factors considered in making decisions about resources and natural systems, how those factors influence decisions, and how the enjoyment of one's rights in relation to the environment entails respect for the rights of others.

Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the "common good."



Madison wrote that "republic government presupposes the existence of [civic virtue] in a higher degree than any other form." The Framers recognized that, in a nation with a limited government, the citizenry might violate the rights of others, showing little regard for the rights of others or for the common good. Thus, civic virtue among the people was a necessity.

George Washington was perhaps the first and greatest model of civic virtue in U.S. history. Following the American Revolution, Washington wanted nothing more than to return to private life at his estate, Mount Vernon. After observing the nation's problems under the Articles of Confederation, however, Washington recognized that he had an important role to play at the Constitutional Convention and, later, in the new government created under the U.S. Constitution. He gave up his dream of private life to serve his country in a time of crisis.

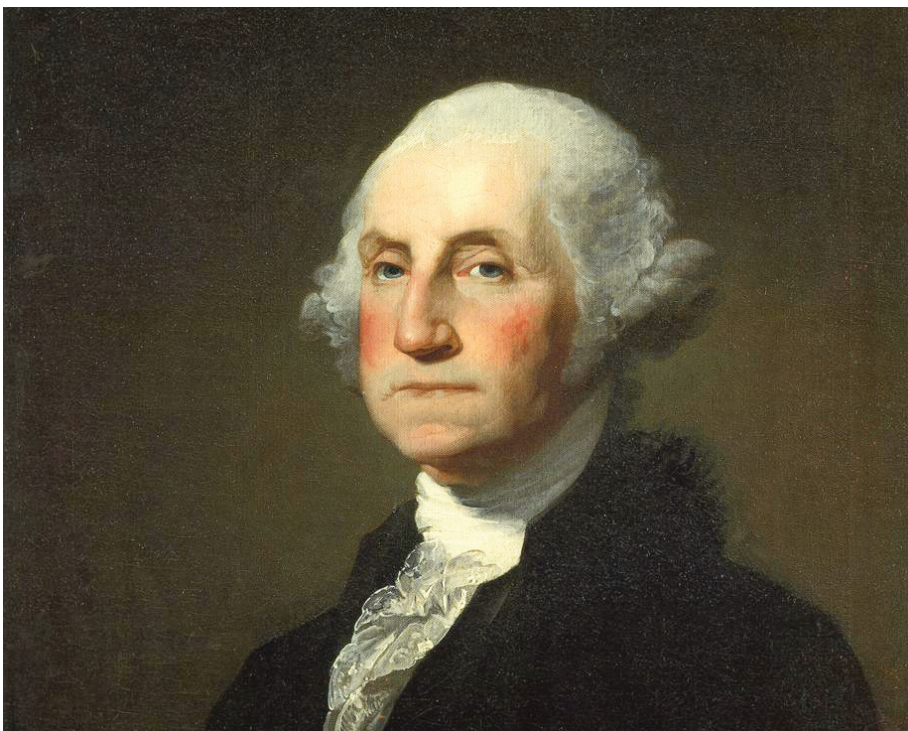
Most young people today are not called to make that kind of sacrifice in the name of civic virtue. They can, however, make daily decisions that contribute to the common good, on environmental and other issues. Doing so may require making a decision against one's own interests (for example, choosing a more expensive option that has fewer environmental effects) or opting not to exercise a right or liberty to which one is entitled (for example, choosing not to use a resource that one has the freedom to use).

Background

While government has an important role to play as a watchdog for the common good, private parties—that is, individuals and businesses—also consider the common good as one of the factors that influence decisions about a wide array of issues, including those

dealing with resources and natural systems. The willingness to put the public interest or common good above individual rights, liberties, and interests is what political scientists call civic virtue.

The concept of civic virtue has been a concern in U.S. democracy since its founding. In Federalist 55, James



George Washington

Key Vocabulary

Civic virtue: Willingness to put the public interest or common good ahead of individual interests.

Toolbox



Summary of Activities

Students analyze factors considered in making decisions about the environment when the common good and individual rights conflict, focusing on decisions individuals make. They discuss scenarios in which teenagers might demonstrate civic virtue and write about one of the scenarios.



Instructional Support

See Extensions & Unit Resources, pages 30–31.

Prerequisite Knowledge



Students should be able to:

- identify the spectrum of factors considered in making decisions about resources and natural systems.
- describe how the spectrum of factors influences decisions about resources and natural systems.

Advanced Preparation



Gather and prepare Activity Masters:

- gather from previous lessons:
 - **Promoting the Common Good** from Lesson 1.

Gather and prepare Materials Needed.



Materials Needed



Class Supplies:

- pencils or pens

Visual Aids



No additional Visual Aids are required for this lesson.

Duration



Preparation Time

15 min.

Instructional Time

55 min.



Safety Notes

None

Activity Masters in the Supporting Materials (SM)

Who Should Act for the Common Good?

SM, Page 14
One per student

Decision-Making Scenarios

SM, Pages 15–18
One per student

Procedures

Vocabulary Development

Use the **Key Unit Vocabulary** (Lesson 1 Activity Master) to introduce new words to students as appropriate.

Step 1

Share the following hypothetical situation with students: To improve the air quality in the community and reduce the use of a nonrenewable energy resource, some citizens are proposing that people walk or ride a bike one day a week, if they have to travel. Ask students what the pros and cons (cost/benefits) of such a proposal might be (*Answers may include the inconvenience of taking a slower method of transportation, the problem of getting sweaty before arriving at the destination, the health benefits of getting exercise, the benefits to the environment, and the savings in gas.*)

Ask students, “Who would be in charge of making this kind of decision?” (*The government might implement a program; a citizens’ group might also start such a program.*) “Do you think everyone would comply with the decision?” (*No*) “What would have to be done to make sure people comply/enforce the decision?” (*Answers may include that government could levy fines, jail time, or other punishments for not complying; the government could also offer incentives for participating. A citizens’ group could offer incentives but not mete out punishments.*)

Step 2

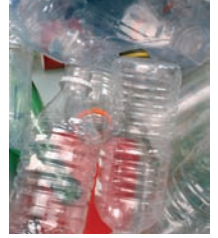
Tell students that they are going to share their analysis from **Promoting the Common Good** (Lesson 1 Activity Master), with their classmates and discuss their proposed solutions in terms of who should take the action each solution requires (government, individuals, businesses) and what factors individuals or businesses would likely consider in deciding whether to take an action. Distribute **Who Should Act for the Common Good?** and explain to students that they should fill in the chart during their discussion.

Return students’ copies of **Promoting the Common Good** and organize students into groups of four. Allow 30 minutes for students to discuss their topics and solutions and complete the analysis on **Who Should Act for the Common Good?** (*Note: An Answer Key and Sample Answers for Who Should Act for the Common Good? are provided on page 57.*)

Step 3

As a class, discuss students’ analysis, using the following questions to stimulate conversation:

- What percentage of the actions proposed by group members required government action? Individual action? Action by businesses? (*Answers will vary.*)
- What factors discourage individuals and businesses from acting for the common good? (*Among the factors that discourage individuals and businesses from acting for the common good are financial costs, loss of time, fear of losing individual freedom [such as the freedom to use one’s property as one sees fit or to travel freely by car or other means].*)
- What factors encourage individuals and businesses to act for the common good? (*Among the factors that encourage individuals and businesses to act for the common good are concern for the environment, financial savings, health benefits.*)
- People who put the public interest or common good ahead of their own individual interests are said to have civic virtue. What role does civic virtue play in encouraging individuals or businesses to act in particular ways regarding the environment? (*People with civic virtue would put the common good in terms of the environment ahead of their own individual rights and liberties.*)
- Do you think that most people have civic virtue? Provide reasons to support your answer. (*Answers will vary.*)



Step 4

Ask students if they think the concept of civic virtue has relevance to teenagers. Challenge them to think of examples of young people showing civic virtue, including instances in which they themselves have shown this trait.

Explain that students are going to work in their groups to consider some cases in which high school seniors might be called on to balance individual interests and the common good. Distribute a copy of **Decision-Making Scenarios** (Lesson 2 Activity Master) to each student and allow time for groups to discuss the cases and answer the questions.

Step 5

Conduct a debriefing discussion using the following questions:

- Based on your group's analysis of the scenarios, does acting for the common good sometimes have benefits to the individual as well? (*Yes; for example, conserving water may also save money.*) Do you think these benefits make it easier to show civic virtue? (*Students will probably say that they do.*)
- Are there certain kinds of conflicts with individual rights, liberties, and interests that make acting in the public interest more difficult? (*Some students may argue that financial costs make it more difficult to decide for the common good, while others may think a conflict with individual liberty is more challenging.*)
- Do you think that teenagers are aware of the decisions they make that affect the common good? Are you? (*Answers will vary.*)

Step 6

Explain to students that they are to choose one of the scenarios from **Decision-Making Scenarios** and write a 300-400 word essay about decision-making concerning individual rights, the common good, and the environment. Tell students that their essays are due at the beginning of the next class period.

Collect **Promoting the Common Good**.

During the next class session, collect **Decision-Making Scenarios** for use in assessment.

Lesson Assessment

Description

Decision-Making Scenarios Common Good (Lesson 2 Activity Master) assesses students' achievement of the learning objectives: "Identify the spectrum of factors considered in making decisions about resources and natural systems, how those factors influence decisions, and how the enjoyment of one's rights in relation to the environment entails respect for the rights of others" and "Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the 'common good.'" On this activity master, students respond to short answer questions and write an essay in which they identify decisions, options, and costs and benefits in relation to the environment and the common good.

Suggested Scoring

Use the **Decision-Making Scenarios Common Good Scoring Tool** provided below and the samples provided on pages 51–56 to assess students' work. There are 36 total points possible.

Decision-Making Scenarios Common Good Scoring Tool

Criteria	Advanced (4 points each)	Proficient (3 points each)	Basic (2 points each)	Below Basic (1 point each)
Decision and options	Thoroughly describes the decision to be made and both options that are available	Satisfactorily describes the decision to be made and both options that are available.	Describes the decision to be made and describes only one of the options available.	Describes the decision to be made or one of the options available.
Cost and benefits in regard to the environment and the common good	Thoroughly describes the cost and benefits in regard to the environment and the common good.	Satisfactorily describes the cost and benefits in regard to the environment and the common good.	Describes the cost and benefits in regard to the environment or the common good.	Describes the cost or benefits in regard to the environment or the common good.
Cost and benefits in relation to individual rights and interests	Thoroughly describes the cost and benefits in relation to individual rights and interests.	Satisfactorily describes the cost and benefits in relation to individual rights and interests.	Describes the cost or benefits in relation to individual rights and interests.	Describes the cost or benefits in relation to individual rights or interests.
Personal perspective: common good versus individual rights and interests	Provides a thorough personal decision discussing the choice between common good and individual rights and interests.	Provides a satisfactory personal decision discussing the choice between common good and individual rights and interests.	Describes a personal decision and mentions common good or refers to personal rights or interests.	Describes personal decision with no mention of common good or personal rights and interests.

Answer Key and Sample Answers

Decision-Making Scenarios

Lesson 2 Activity Master | page 1 of 4

Name: _____

Instructions: For each scenario below, identify the decision facing the student, the options available, and the costs and benefits of each option. Consider individual rights, liberties, and interests, as well as the environment and the common good. If you faced this decision, what would be most important to you—the common good or your own rights, liberties, and interests.

Scenario 1

Tanisha is about to graduate from high school. She is ranked second in her class and has won many awards for academics and citizenship. She has been accepted at several universities. She has narrowed her options to one college that is about 40 miles from her home. It is a good school, but her second choice, which is located more than 3,000 miles away, has a better program in her major. She has never been away from home, so she knows she will want to come home for every holiday—and maybe an occasional weekend.

1. What decision is Tanisha facing? What options are available?

Whether to choose to attend the college that has the better program in her major but is farther away from home or to stay closer to home and attend her second choice college which has a good program, but not the best program.

2. What are the costs and benefits of each option in regard to the environment and the common good?

3000 miles away: She will need to travel to this college by plane, train or car. This will directly cost money but there are also several indirect costs to the environment. 40 miles away: She could travel by car, bus or train. This will cost money but there are fewer indirect costs to the environment.

3. What are the costs and benefits of each option in regard to individual rights, liberties, and interests?

3000 miles away: She has individual rights that guarantee her liberties. She has the right to choose her college options without considering the effects on the environment. 40 miles away: She could conserve resources and put the public interest or common good ahead of her own.

4. If you faced this decision, what would be most important to you—the common good or your own rights, liberties, and interests?

I would go to the school with the better program even if it is farther way. This choice might help me to get a better job and allow me to better care for myself and my family. I am concerned about the environment, so would be careful with my choices wherever I live. The common good is important to me.

Answer Key and Sample Answers

Decision-Making Scenarios

Lesson 2 Activity Master | page 2 of 4

Name: _____

Scenario 2

Ramon is a star football player and wrestler. He likes nothing better than to take a long, hot shower every night when he gets home from practice. Sometimes he is in the shower so long that he runs out of hot water. Ramon's sister loves to remind him that water is in short supply in California and he should be able to take a shorter shower. She doesn't realize that a good shower is not just for cleaning—it helps relieve his sore muscles. His mom sometimes complains about the water bills, but Ramon can usually talk her into backing him up. She's proud of his athletic achievements.

1. What decision is Ramon facing? What options are available?

Whether to take very long showers to soothe his sore muscles after football and wrestling practices or taking shorter showers to conserve water and energy and reduce water bills.

2. What are the costs and benefits of each option in regard to the environment and the common good?

Long showers feel great but they use a lot of water and use energy to heat the water. Shorter showers use less water and less energy to heat the water. It also costs less money for water and energy if you take shorter hot showers.

3. What are the costs and benefits of each option in regard to individual rights, liberties, and interests?

Long, hot showers: He has rights that guarantee his liberties including the right to choose how he wants to shower without considering the environment. Shorter showers: He can choose to take shorter showers and save resources (water, gas, or electricity) and put the common good ahead of his own.

4. If you faced this decision, what would be most important to you—the common good or your own rights, liberties, and interests?

I would take fewer hot showers even though I enjoy hot showers. There is much discussion on TV and about water and energy shortages in California. This would also save my parents money on the electric bill. The common good is important to me.

Answer Key and Sample Answers

Decision-Making Scenarios

Lesson 2 Activity Master | page 3 of 4

Name: _____

Scenario 3

Taylor and Kyoko get lunch at the grocery store near the school every day. They don't have a lot of money, so they shop carefully. They've noticed that organically grown fruits and vegetables are more expensive than other produce. They've also noticed that some fruits packaged in plastic trays with plastic covering are more expensive than fruit that can be bought individually with no packaging. They also like the prepackaged lunches that come in plastic trays with plastic wrapping and a cardboard outer container. There would be less packaging if they bought cheese and meat in the deli but it would cost more and they'd have to buy crackers separately. All in all, it would be a hassle.

1. What decision are Taylor and Kyoko facing? What options are available?

Whether to buy more expensive fruits and vegetables and sandwiches that have plastic and cardboard packaging every day from a local grocery store near school or to buy fruits and vegetables that are not organically grown and sandwich materials that come with less packaging from the deli but costs more.

2. What are the costs and benefits of each option in regard to the environment and the common good?

Packaged lunches: cost more, and have more waste like packaging, that ends up in the landfill. Buying fresh fruits, vegetables, meat, and cheese requires less packaging so is better for the environment and the common good.

3. What are the costs and benefits of each option in regard to individual rights, liberties, and interests?

Packaged lunches: They have rights that guarantee their liberties including the right to choose whichever lunch option they want. Buying fresh foods: They would be putting the common good before their rights by producing less waste in the landfill.

4. If you faced this decision, what would be most important to you—the common good or your own rights, liberties, and interests?

I would probably try to compromise. The common good is important to me. I would try to buy less package material because I know I where the packaging goes. I probably would not buy the organically grown foods because they are too expensive. I might even bring some food from home.

Answer Key and Sample Answers

Decision-Making Scenarios

Lesson 2 Activity Master | page 4 of 4

Name: _____

Choose one of the three scenarios and write a 300–400 word essay about decision-making concerning individual rights, the common good, and the environment.

Tanisha is about ready to graduate from high school. She has been accepted to several colleges. She has narrowed her decision options to two colleges: one 3,000 miles away and one forty miles away. She has identified several points of consideration: the quality of the school program, the distance from her family; and, the costs of traveling between college and home.

She has never been away from home for long periods of time so distance is an important consideration but so is the quality of the program for her major. Traveling to a college 3,000 miles away would require that Tanisha travel by plane, train or car. This will directly cost money but she knows that there are indirect costs to the environment, extracting and using natural resources, for example, non-renewable fossil fuels; and, releasing emissions into the environment (air, water and even the soil.) If she attends college only 40 miles away, she will still need to travel but she could travel by car, bus or train. She could even carpool with friends. There are still costs to the environment but since the distance is shorter, less fuel would be used and there would be fewer toxic emissions.

In class we have been talking about individual rights and civic virtue. In this scenario, Tanisha would be within her individual rights and liberties to choose whichever college option she wants without consideration of the costs or effects of her choice on the environment. However by choosing to go to a college only 40 miles away, Tanisha could make the choice to conserve resources and put the public interest or common good ahead of her individual interests. She would be putting the common good before her rights (civic virtue.)

If I were faced with this decision, I would choose to go to the school with better program even if it is farther way. (I probably couldn't travel home more than twice a year anyhow.) This choice might help me to get a better job and allow me to better care for myself and my family in the future. However, I am concerned about the environment, so I would be careful with my choices wherever I live. The common good is important to me.

Answer Key and Sample Answers

Decision-Making Scenarios

Lesson 2 Activity Master | page 4 of 4

Name: _____

Choose one of the three scenarios and write a 300–400 word essay about decision-making concerning individual rights, the common good, and the environment.

Ramon is a star football player and wrestler. He regularly takes long, hot showers when he gets home from practice. Sometimes the showers are so long that the family runs out of hot water. His sister tells him to take shorter showers because California is in a drought situation. His mother sometimes tells him that the water bills are very high.

To Ramon the long hot showers feel great and his muscles are not as sore. But he knows that these showers use a lot of water and use energy to heat the water. He also realizes that while shorter, less hot showers may not soothe the muscles as much but they use less water and less energy to heat the water. In class we have been talking about individual rights and civic virtue. In this scenario, Ramon would be within his individual rights and liberties to choose whichever shower option without consideration of the costs or effects of his choice on the environment or his mother's budget. However, he could make the choice to take shorter showers and save resources (water and gas or electricity) and put the public interest or common good ahead of his individual interests. He would be putting the common good before his rights. (Civic virtue) He would also be putting his mother's interests first in saving money; and, respect his sister's commitment to the environment.

If I were faced with this decision, I would probably take fewer hot showers. This would be hard because I really enjoy hot showers. There is so much discussion on TV and on the Internet about water shortages around the world and here in California. There is also a lot of talk about energy shortages. The common good is important to me. And who knows if my parents' jobs are secure. So while I will probably still take some hot showers, in the long run the common good is more important to me. So I will take fewer long hot showers.

Answer Key and Sample Answers

Decision-Making Scenarios

Lesson 2 Activity Master | page 4 of 4

Name: _____

Choose one of the three scenarios and write a 300–400 word essay about decision-making concerning individual rights, the common good, and the environment.

Taylor and Kyoko buy lunch at a grocery store near school everyday. They do not have a lot of money so they shop carefully. They have to make decisions on what to buy for lunch. They have been hearing on TV that organically-grown foods are better for your health and for the environment. There have been programs at school about recycling. They have learned that the extra packaging on foods usually gets put into the garbage and is not recycled. This adds to the amount of waste material that goes into the landfill. They have identified several points to consider as they decide if they should change their daily lunch routine: direct monetary costs to buy the food; increased costs for food which may be healthier and have fewer detrimental effects on the environment; and, increased packaging on products that are prepared earlier and provide trays, napkins and eating utensils. They have talked about buying non-organically grown food and just the right amount of meats, cheese, bread and fruits and vegetables that they need for lunch from local grocery store: They know that buying individual servings is more expensive and that non-organically grown foods are usually less expensive. But non-organically grown foods are usually harder on the environment. Buying cheese and meat from the deli and individual fruits and vegetables has less packaging so that would help the environment but is more expensive.

In class we have been talking about individual rights and civic virtue. In this scenario, Taylor and Kyoko would be within their individual rights and liberties to choose whichever lunch option without consideration of the costs or effects of their choice on the environment. By buying individual servings with less packaging and non-organically grown food they would still have enough to eat for lunch and they would be putting the common good before their rights. (Civic virtue) They would be sending less garbage to the landfill but the non-organically grown fruits and vegetables would have an added environmental costs, for examples the use of fertilize that could end up in the water.

If I were faced with this decision, I would probably try to compromise. I would try to buy less packaged material because I know where the packaging goes. I probably would not buy the foods because they are too expensive. I might even bring some food from home.

Who Should Act for the Common Good?

Lesson 2 Activity Master

Name: _____

In the last lesson, you analyzed an environmental topic in terms of how it relates to the common good. You also looked at possible conflicts with individual rights and liberties and proposed solutions that balance individual rights/liberties and the common good. In this lesson, you will share your proposals in a small group.

As you share your proposals and listen to the ideas of others, complete the chart below:

	Group member 1	Group member 2	Group member 3	Group member 4
What actions did the group member propose?				
Who should take the actions proposed?				
What factors would government, individuals, or businesses consider in taking these actions?				

Lesson 3



Gas station

So You Want to Own a Gas Station

In this lesson, students consider the role of the government in protecting the “common good,” using a case study of owning and operating a gas station in California. Working in small groups, students brainstorm what individual rights and liberties are involved and then read and discuss an article introducing the factors involved in buying, operating, and selling a gasoline station in California.

Like many businesses, gas stations are subject to laws and regulations that intend to protect the community—its people and natural systems. Students calculate the costs and benefits of operating a gas station using the

information derived from the reading. Through discussions, charting costs and benefits, and sharing information, students decide whether they would buy and operate a gas station given the opportunity. Students write a letter to

the gas station owner explaining their decision and demonstrating understanding of the balance between a business owner’s rights and the need to serve the “common good” by protecting the health of the environment.

Learning Objective

Describe how laws, regulations, and policies affecting land use and land ownership can have a major influence on the growth of human populations and communities.

Describe how laws, regulations, and policies directly affect the extraction, harvest, transportation, and consumption of natural resources, as well as management of the resulting byproducts.

Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the “common good.”



in 1970. The Clean Air Act covers many different pollution sources and a variety of clean-up methods to reduce common air pollutants. Six air pollutants common all over the United States are particle pollution, ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. These pollutants can harm human health and the environment and cause property damage. Many of the clean-up requirements for particle pollution and ground-level ozone involve large industrial sources (power plants, chemical producers, and petroleum refineries) as well as motor vehicles. Also, controls are generally required for smaller pollution sources such as gasoline stations and paint shops. Auto body shops that repair, repaint, and customize vehicles often release pollutants into the air through sanding, cleaning, and painting. Federal, state, and local policy makers have enacted laws to decrease the harmful effects of these activities through pollution prevention strategies related to the materials and practices used at these businesses.

Background

Many would consider purchase of a gas station a sound investment—gasoline is a commodity in high demand, potential locations are plentiful, and today’s technologies allow an owner to operate the business with limited human resources. But purchasing and operating a gas station is not as easy as it used to be. New laws and regulations seek to protect natural systems, natural resources, and public health and safety. For example, gas station owners are now required to install dripless nozzles at their gas pumps to reduce spillage, which

contributes to air pollution in the form of vapor emissions. Vapor emissions contain hydrocarbons that combine with other molecules in the air and form ground-level ozone. Ground-level ozone can cause such health problems as reduced lung function in children. As laws and regulations come into effect, gas station owners must comply or face fines and possible closure of their business.

The United States Environmental Protection Agency (USEPA) has been developing programs to cut emissions of commonly found air pollutants since passage of the Clean Air Act



Gas pump

Key Vocabulary

Benefit: Something that is viewed as helpful, useful, or otherwise desirable.

Byproduct: An incidental product or the result of human or natural system processes (for example, materials remaining after manufacturing).

Cost: The money, time, effort, loss, or sacrifice made to obtain something or achieve a goal.

Mitigate: Cause to become less harmful.

Toolbox



Summary of Activities

Students consider their rights to own and operate a business (a gas station), read an article about laws and regulations related to owning and selling a gas station in California, and write a letter explaining whether they would buy a gas station.



Instructional Support

See Extensions & Unit Resources, pages 30–31.

Prerequisite Knowledge



Students should be able to:

- conduct a cost-benefit analysis.

Advanced Preparation



Gather and prepare Activity Masters.

Gather and prepare Materials Needed.

Gather and prepare Visual Aids:

- prepare transparencies.



Materials Needed



A-V Equipment:

- overhead or LCD projector, screen

Class Supplies:

- notebooks
- pencils or pens

Visual Aids



Transparencies:

- For Sale Advertisement, Visual Aid #1

Duration



Preparation Time

10 min.

Instructional Time

55 min.



Safety Notes

None

Activity Masters in the Supporting Materials (SM)

**California
Connections: So
You Want to Own
a Gas Station**

SM, Pages 19–22
One per student

**Buying a Gas
Station Letter**

SM, Pages 23–24
One per student

Procedures

Vocabulary Development

Use the **Key Unit Vocabulary** (Lesson 1 Activity Master) to introduce new words to students as appropriate.

Step 1

Remind students that they talked about the common good and civic virtue in the previous lesson. Ask students to imagine a situation in which a decision may have a potentially negative effect on the environment and thus the common good. While the business owners making the decision are concerned about the common good, they are also concerned about their property rights, their financial interests, and the economic benefits their business brings to the community. Can damage to the environment be prevented in this case? How? (*Students may mention that government could become involved by regulating the business or providing incentives to owners to protect the environment; students may also mention that customers of the business could put pressure on the owners to act in protection the common good.*) Confirm that government action is one way of protecting the common good when individuals and businesses place individual rights, liberties, and interests above the common good.

Step 2

Tell students that in this lesson they will look at a case study of how government regulations may work. The case study focuses on the decision of whether to buy a gas station. Ask, “What individual rights, liberties, and interests might be involved in this decision?” (*The right to own property, the freedom to run a business as you see fit, a financial interest in the business profits.*) “How might the common good be involved in this decision?” (*The gas station helps people meet their need for fuel and thus contributes to the common good; it also supports the community’s economic base, which is part of the common good. On the other hand, it could contribute to environmental pollution, which would damage the common good.*)

Project **For Sale Advertisement** (Visual Aid #1) and read the following scenario to the class:

A very popular gas station in town is up for sale. The previous owner of this independent gas station has decided to move to another city. He wants to sell his business quickly, so he is asking a very reasonable price. You and your friends have decided to go into business together, but you are not sure in what kind of business you want to invest your time and money. This gas station looks like a good possibility. After all, people need gas for transportation, so finding customers should not be a problem. Should you invest in this gas station? Some research is in order.

Step 3

Organize students into “investor groups” of four to five students. Instruct students to work together in their investor groups to determine the costs and benefits of buying and operating a gas station. After about five minutes of discussion, ask each group to share one example of a cost and one example of a benefit that they discussed. (*Possible costs include needing to spend time learning about the gas business; potential for being robbed; the declining market because people are using less gas these days with hybrid cars and alternative fuels. Possible benefits include profits, helping people get the gas they need for transportation, and not needing to do a lot of advertising because the business is already established.*)

Record these responses on the board in a T-Chart labeled “Costs” on one side and “Benefits” on the other.

Step 4

Distribute copies of **California Connections: So You Want to Own a Gas Station** (Lesson 3 Activity Master) to students. Instruct students to read the article silently in their groups, looking particularly for costs and benefits as they read.



Step 5

Ask students to replicate the Costs/Benefits T-Chart from the board in their notebooks. Provide students 10 to 15 minutes to discuss what they read in the article while making notes in their T-Charts about the costs and benefits of owning and operating a gas station. Tell students to focus their small group discussion on the question, “Should you invest in this gas station or not?” Tell students to be prepared to explain why they came to the decision that they did.

Step 6

Facilitate a group discussion, first calling on groups to identify the costs and benefits identified in their group discussions and notes. Add student-generated responses to the Costs/Benefits T-Chart on the board.

Next, ask groups to share their decisions about whether to invest in this business. Probe to identify the primary reasons for their decisions. Throughout this process, highlight/emphasize responses related to resources and natural systems that balance individual rights with meeting public demands.

Return to the idea that government may step in to protect the common good by asking, “What is the government doing in this case study to protect the common good?” (*Enacting laws and regulations that limit the amount of pollution resulting from operation of a gas station.*) “How do these laws and regulations affect individual rights and liberties?” (*These laws and regulations limit the business owners’ freedom to run their business as they want to; the laws and regulations may have a negative effect on the owners’ financial interests in the business.*)

Step 7

Distribute a copy of **Buying a Gas Station Letter** (Lesson 3 Activity Master) to each student. Instruct students to individually write a letter to the gas station owner explaining their decision to buy or not buy the gas station. In this letter, students must state their decision, how they came to their decision, why they believe this is the best decision, and include any questions they might have for the gas station owner. Explain to students that the gas station owner is mostly concerned that the new owners understand their individual rights as business owners as well as the laws and regulations that intend to address the common good, or the health of the environment. Therefore, this important issue must be addressed in the letter by describing how laws, regulations, and policies affect the ownership and management of a gas station. Describe how a business owner’s rights and liberties are related to the common good. Students should draw upon their prior knowledge and experiences about gas stations, businesses, and local economics as well as information from the *California Connections: So You Want to Own a Gas Station* article.

Collect **Buying a Gas Station Letter** at the end of the period or at another designated class period for use in assessment.

Lesson Assessment

Description

Buying a Gas Station Letter (Lesson 3 Activity Master) assesses students' achievement of the learning objectives: "Describe how laws, regulations, and policies affecting land use and land ownership can have a major influence on the growth of human populations and communities," "Describe how laws, regulations, and policies directly affect the extraction, harvest, transportation, and consumption of natural resources, as well as management of the resulting byproducts," and "Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the 'common good.'" On this activity master, students write a letter that discusses the costs and benefits of owning a gas station and decide whether they would buy such a business.

Suggested Scoring

Use the **Buying a Gas Station Letter Scoring Tool** provided below and the sample provided on pages 65–66 to assess students' work. There are 9 total points possible.

Buying a Gas Station Letter Scoring Tool

Criteria	Advanced (3 points each)	Proficient (2 points each)	Basic (1 point each)
Explanation of decision	Accurately explains several examples of costs and benefits of gas station ownership as they relate to individual rights and the common good;	States decision; states some costs and benefits of gas station ownership as they relate to individual rights and the common good.	Provides decision with few or no supporting details.
Explanation of laws and regulations	Explains laws, regulations, and/or policies that affect natural resources and support the common good.	States laws, regulations, and/or policies that affect natural resources and support the common good.	Mentions but does not describe laws, regulations, and/or policies the common good.
Description of influences on individuals and communities	Describes how laws, regulations, and/or policies influence individuals and communities.	States that laws, regulations, and/or policies influence individuals and communities.	Minimal description of how laws, regulations, and/or policies influence individuals and communities.

Answer Key and Sample Answers

Buying a Gas Station Letter

Lesson 3 Activity Master | page 1 of 2

Name: _____

Instructions: Write a letter to the gas station owner explaining your decision to buy or not buy the gas station. In this letter, you must state your decision, how you came to their decision, why you believe this is the best decision, and include any questions you might have for the gas station owner.

Your letter must describe how laws, regulations, and policies affect the ownership and management of a gas station. It should also describe how a business owner's rights and liberties are related to the common good.

Dear Gas Station Owner,

Thank you for considering me as a potential buyer for your gas station located at 452 King Avenue. I have discussed the costs and benefits of purchasing and operating a gas station with my business partners, and we have determined a range of compelling reasons for entering the gas station business.

We are well aware of the high demand for gasoline in today's mobile economy. The affordability of cars, today's car culture, and access to freeways in our city make driving an enticing option for transportation. We do not believe that mass transit options will improve in the next several decades. Also, we are intrigued by the development of new alternative fuels, such as biofuels, and believe we will be able to adapt a gas station to provide more fuel options for consumers. In doing so, we see increased business while also addressing public concerns about limited natural resources and excess carbon emissions. In addition, we see great potential for increasing revenue through healthy drinks and snacks in the gas station's convenience store. We have learned that profits generally come from this area more than from the sale of gasoline. We are also very concerned with the general health of society and wish to promote healthy snacks as a public good.

We have also considered the costs of operating a gas station in today's economy. Due to concerns for the environment, some people are driving less and consuming less gasoline. Gas prices fluctuate and the public is usually not happy about driving into a gas station. Public debate and government decisions cause new regulations for improvements in gas stations, such as installation of dripless pumps and atten-

Answer Key and Sample Answers

Buying a Gas Station Letter
Lesson 3 Activity Master | page 2 of 2

Name: _____

tion to underground storage tanks, to spring up on a regular basis. These translate to big costs for gas station owners. We see these as costs to the business owners, but as benefits to the community, since these laws intend to serve the common good and protect the health of our shared environment. Dripless nozzles decrease harmful vapors, and underground storage tanks protect groundwater and soil. These laws and regulations are reasonable costs associated with private business ownership, and we are very much committed to public and environmental health measures.

Having analyzed the costs and benefits of this business, my partners and I have decided to purchase your gas station pending inspections of your Underground Storage Tanks, modernization of pumps, and other physical aspects. If inspectors show that your gas station meets legal codes and does not show potential problems in the near future, we would like to negotiate a fair price for your business.

We look forward to hearing from you about how to proceed next.

Sincerely,

Jenna Bustamonte

California Connections: So You Want to Own a Gas Station

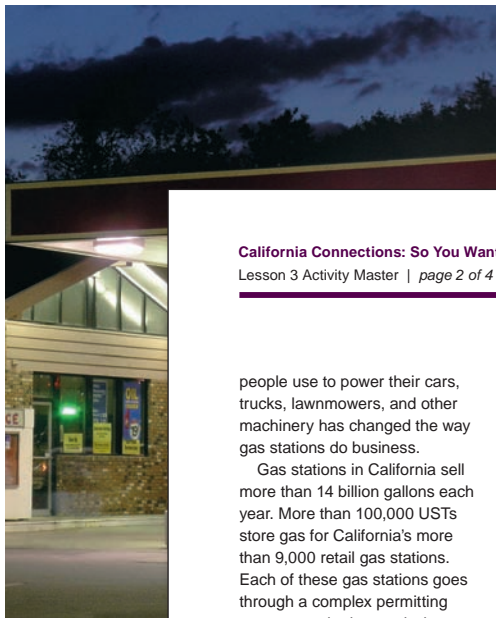
Lesson 3 Activity Master | page 1 of 4

So You Want to Own a Gas Station



In a “car culture” like California’s, you might be thinking about owning a gas station. If so, you should be aware of the costs and responsibility involved in owning and running—even selling—a gas station in our state.

Buying a franchise will cost you about \$100,000. As the owner, every year you will need to pay fees, called royalties, amounting to about 5% of your sales, to the “parent” company. However, the operational costs of running a station are larger. A big expense is monitoring the underground storage tanks (USTs) that hold the gasoline for sale at the pump. Complex laws in place today require gas station owners to install devices that detect leaks and to hire experts to take and test soil and water samples in case of a leak. These costs are somewhat offset by government assistance. State and federal taxes included in the price of gas at the pump—several cents per gallon total—go into a cleanup fund that assists gas station owners and operators with the cost of cleaning up a leaking UST. But these laws and support didn’t always exist. Increased knowledge of the gas



Gas station

California Connections: So You Want to Own a Gas Station

Lesson 3 Activity Master | page 2 of 4

people use to power their cars, trucks, lawnmowers, and other machinery has changed the way gas stations do business.

Gas stations in California sell more than 14 billion gallons each year. More than 100,000 USTs store gas for California’s more than 9,000 retail gas stations. Each of these gas stations goes through a complex permitting process to obtain permission to install, stop using, or remove an underground storage tank. The reason is this: If even one gallon of gas leaks into an underground aquifer, it makes more than a million gallons of water undrinkable. And the cleanup costs more than a million dollars.

In 1983, California became one of the first states to pass laws regulating how gas stations use and maintain their USTs. One year later, the federal government passed laws allowing the United States Environmental Protection Agency (USEPA) to oversee and enforce UST regulations. Since passage of these state and federal UST regulations, more than a million leaking tanks have been replaced or decommissioned, and more than 300,000 leaks have been cleaned up.

The effort to ensure that USTs are “leak-proof” has been underway since the mid-1980s. At first, the goal was to keep

any UST from leaking more than 0.05 gallons per hour. If the leakage was less, the government considered the UST fine to use. Then, in the 1990s, several cases of methyl-tertiary-butyl-ether (MTBE) contamination brought the USEPA under fire. At the end of the 1980s, gasoline sold in California contained the additive MTBE. MTBE reduces certain emissions and helps improve air quality in urban areas. But it is toxic to humans and can escape out of a UST as a vapor, passing into the soil and surrounding water through tiny pores in the pipes, gaskets, and fittings of a UST. Only a few parts per billion of MTBE will make water



Pumping gas

California Connections: So You Want to Own a Gas Station

Lesson 3 Activity Master | page 3 of 4

undrinkable. In 2003, California passed a law that required USTs to be vapor-tight as well as liquid-tight. In 2004, California banned the use of MTBE altogether.

California has a web of local, regional, and state agencies that regulate what happens at gas stations. These agencies monitor the purchase, operation, and removal of USTs, among other things. The Department of Food and Agriculture's Division of Measurement Standards oversees gasoline quality and pump accuracy. At the local level, the Department of Public Works (DPW) is the primary point of contact for UST oversight. DPW works with other city and county officials, such as the fire department and the city's building and safety office. DPW keeps track of who owns and operates the gas stations in the area. The state's lead regulatory agency is the State Water Resources Control Board, a division of the California Environmental Protection Agency (CalEPA). The Board gives authority to regional boards and local agencies to monitor the USTs in their areas.

The rules that gas station owners and operators must follow are detailed in a 105-page document that is part of the California Code of Regulations. The regulations cover everything from specifying how the tanks,



Gas prices, 2008

pumps, and pipes should be constructed to monitor and reporting requirements.

A gas station owner wants to close the station use the property for any purpose must also deal with many legal requirements. The process to close a gas station is as complex as the process for opening

California Connections: So You Want to Own a Gas Station

Lesson 3 Activity Master | page 4 of 4



Gas pumps

Owners also must apply for permits from the local or county Fire Department, the Department of Public Works Building and Safety Division, and the Air Quality Management District to conduct these tests, as well as to close any station or sell any gas station property.

Still thinking about going into the gas station business? Since fuel always seems to be in demand, you might think profits would be more than enough to cover the cost of doing business and following the laws. But the

truth is, most station owners keep only a few cents profit for every gallon of gas sold. They tend to make more on the snack items they sell than the gas.

As the complexity of owning a gas station has increased over the past two decades, fewer independent stations have remained in operation. Larger stations, leased to operators but owned by the oil companies, have taken their place. In Los Angeles, the total number of gas stations had decreased by 50% by 1990, as government

regulation of gas stations began in earnest. Ten years later the number of gas stations had decreased by half again. At the remaining gas stations, the number of nozzles per station has jumped from 7 to 12. Automated pumps and payment options mean fewer employees to operate the station and serve the customer. Although fewer in number, the remaining gas stations are managing to keep up with the public's increasing demand for fuel and the need to safeguard the environment.

1

For Sale Advertisement

Visual Aid — Transparency

For Sale Advertisement

<p>sf. First 6 mos. free! l. (311) 555-1114</p> <p>R SALE Contact Owner Schmidt, (311) 555-1492</p> <p>cation: Freeway close. izes (311) 555-2212</p> <p>or office space, several ase. (311) 555-9543</p> <p>r sale. Est. business in ood. (311) 555-5551</p> <p>or lease, all electrical & ded (311) 555-0041</p> <p>r lease. Parking and ded. (311) 555-6022</p> <p>acew/outdoorstorage yd. (311) 555-5038</p> <p>! 5,000sf whs space. area (311) 555-3951</p> <p>Clean midtown space. y! (311) 555-4953</p> <p>tion, nr freeways 600sf se only. (311) 555-8900</p> <p>sf. First 6 mos. free! l. (311) 555-1114</p> <p>cation: Freeway close. izes (311) 555-2212</p>	<p>quiet neighborhood. (311) 555-5551</p> <p>FINE restaurant for lease, all electrical & plumbing included (311) 555-0041</p> <p>Office space for lease. Parking and landscaping included. (311) 555-6022</p> <p>Commercial Real Estate</p> <p>CLOSED restaurant for lease, all electrical & plumbing included (311) 555-0041</p> <p>Office space for lease. Parking and landscaping included. (311) 555-6022</p> <p>GAS STATION FOR SALE Contact Owner for Details: Joseph Schmidt, (311) 555-1492</p> <p>Techlab/office space w/outdoor storage 12K+sf w/sm yd. (311) 555-5038</p> <p>MOVE IN TODAY! 5,000sf whs space. \$9,300/mo Metro area (311) 555-3951</p> <p>SAVE \$500/mo. Clean midtown space. Move in today! (311) 555-4953</p> <p>Prime office location, nr freeways 600sf \$800/mo. 2 yr lease only. (311) 555-8900</p> <p>Retail Lease, 350sf. First 6 mos. free! Parking avail. (311) 555-1114</p> <p>AAAAAAA+++ location: Freeway close. Office spc all sizes (311) 555-2212</p> <p>Suite Life!! Larger office space, several</p>	<p>quiet neighborhood</p> <p>Office space for lease landscaping included</p> <p>Techlab/office space 12K+sf w/sm yd.</p> <p>MOVE IN TODAY! 5 \$9,300/mo Metro area</p> <p>SAVE \$500/mo. Clean Move in today! (311) 555-4953</p> <p>Prime office location \$800/mo. 2 yr lease only</p> <p>Retail Lease, 350sf. Parking avail. (311) 555-1114</p> <p>AAAAAAA+++ location Office spc all sizes</p> <p>Suite Life!! Larger office space, several</p> <p>Grocery store for sale quiet neighborhood</p> <p>FINE restaurant for lease plumbing included</p> <p>Office space for lease landscaping included & plumbing included</p> <p>Office space for lease landscaping included</p>
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Lesson 4



Public beach in Southern California

Whose Beach Is It Anyway?

The individual's right to own land (property) is a fundamental individual right in the United States. As with other rights, the meaning of the right to own property has evolved over time through court decisions and legislation. In this lesson, students examine a court case that originated in Ventura County, California, and ended in the U.S. Supreme Court.

In *Nollan vs. California Coastal Commission*, the California Coastal Commission challenged the Nollans' right to build a bungalow on their beachfront property, claiming that the Nollans needed to allow beach

access to the public. Students “walk through” the case and consider the rights of the Nollans and the rights of the public along the way. In the end, students learn about the Supreme Court's decision as well as the

dissenting opinions in the case. They discuss eminent domain, the Takings Clause of the Fifth and Fourteenth Amendments, and the continual struggle to balance individual rights and the common good in our society.

Learning Objective

Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the “common good.”

Describe how laws, regulations, and policies affecting land use and land ownership can have a major influence on the growth of human populations and communities.



appealed the decision. The California Court of Appeals then overturned the county court decision, which prompted the Nollans to take their case to the U.S. Supreme Court. Their attorneys argued that the Commission’s actions violated the Nollans’ Fifth and Fourteenth Amendment rights. The Supreme Court agreed, ruling that, while a legitimate interest may be served by maintaining a “continuous strip of publicly accessible beach along the coast,” if California had such an interest, it needed to use its power of eminent domain and provide just compensation to the Nollans. Eminent domain is a power rooted in the common law, which allows governments to appropriate private property for public use. The “Takings Clause” of the Fifth Amendment required the U.S. government to compensate individuals if it took their property; the Fourteenth Amendment extended that requirement to the states.

Background

The California Coastal Commission was established by voter initiative in 1972 (Proposition 20) and made permanent by the state legislature through passage of the California Coastal Act of 1976. In partnership with coastal cities and counties, the Commission plans and regulates the use of land and water in the coastal zone. Construction of buildings, division of land, activities that affect land use or

public access to coastal waters, and any other development activities generally require a permit from the Commission or local government. The Coastal Act includes specific provisions that address issues of shoreline public access and recreation, terrestrial and marine habitat protection, visual resources, commercial fisheries, water quality, ports, and public works. The Coastal Act provides statutory standards that the Commission and local governments apply to planning and regulatory decisions.

The Commission is an independent, quasi-judicial state agency. The Governor, Senate Rules Committee, and Speaker of the Assembly each appoint four voting members; six of these members are local elected officials, the other six are members of the public. Representatives of three state agencies serve as nonvoting members. During monthly public meetings, the commissioners take public testimony before making permit, planning, and other policy decisions.

The case of *Nollan v. California Coastal Commission* originated in county court. When the county court agreed with the Nollans, the California Coastal Commission



U.S. Supreme Court Building

Key Vocabulary

Commission: Group of people officially authorized to perform a particular function.

Easement: Limited right to use another’s land for a special purpose.

Eminent domain: The right of a government to appropriate private property for public use, usually with compensation to the owner.

Public access: A means of approaching, entering, exiting, or making use of land by members of the public.

Toolbox



Summary of Activities

Students review two amendments to the U.S. Constitution and relate eminent domain to the common good. They read about a California land use dispute and consider what specific stakeholders would do at various steps in the case's journey to the Supreme Court.



Instructional Support

See Extensions & Unit Resources, pages 30–31.

Prerequisite Knowledge



Students should know about:

- the political principles underlying the U.S. Constitution and the enumerated and implied powers of the federal government.
- the powers of government set forth in the Constitution and the fundamental liberties ensured by the Bill of Rights.

Advanced Preparation



Gather and prepare Activity Masters.

Gather and prepare Materials Needed.

Gather and prepare Visual Aids:

- prepare transparencies.
- post wall maps in a location visible to all students.



Materials Needed



A-V Equipment:

- overhead or LCD projector, screen

Class Supplies:

- paper
- pens or pencils

Visual Aids



Transparencies:

- **The Fifth Amendment**, Visual Aid #2
- **The Fourteenth Amendment**, Visual Aid #3

Wall Maps:

- **Political**, provided separately
- **View from Space**, provided separately

Duration



Preparation Time

15 min.

Instructional Time

55 min.



Safety Notes

None

Activity Masters in the Supporting Materials (SM)

Nollan v. California Coastal Commission

SM, Pages 26–29
One per student

Nollan v. California Coastal Commission: Case Review

SM, Pages 30–31
One per student

Procedures

Vocabulary Development

Use the **Key Unit Vocabulary** (Lesson 1 Activity Master) to introduce new words to students as appropriate.

Step 1

Write the term “California Coastal Commission” and explain that this is an example of one of the vocabulary words (“commission”). Ask students what they think the California Coastal Commission is and what it does. (The commission is a California group authorized to perform some function related to the coast; some students may guess that it protects the California coast.) Confirm that the California Coastal Commission is a group of people officially authorized to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations. Voters established the Commission through a voter initiative in 1972 (Proposition 20); in 1976, the legislature made the Commission a permanent agency when it passed the California Coastal Act.

Ask students to provide examples of the other three vocabulary terms for this lesson: easement, public access, and eminent domain. (*Public access: There is public access to city parks and the beach. Eminent domain: people have received compensation when the government took their homes to clear land for new highways; businesses have been compensated when the city government built a city hospital where there businesses stood. Easement: The right of public utility companies to lay their lines across private property is a utility easement; an easement allows the public to use a pathway that crosses private property.*)

Step 2

Project **The Fifth Amendment** and **The Fourteenth Amendments** (Visual Aids #2–3) and read them aloud with the class. Focus students’ attention on the highlighted portions, explaining that the Supreme Court has held that the federal government and each state have the power of eminent domain—the power to take private property for “public use.” The Fifth Amendment limits the power of eminent domain by requiring that “just compensation” be paid if private property is taken for public use (the “Takings Clause”) and that “due process of law” be followed before a person is deprived of his/her property (the “Due Process Clause”). The Fifth Amendment did not originally apply directly to the states, but the federal courts now hold that the Fourteenth Amendment extended the effects of the Fifth Amendment to the states.

Use the questions below to stimulate discussion:

- What constitutes “public use”? (*Land used for or by the public or to benefit the public; examples would include land used to build parks, highways, schools, hospitals.*)
- How does public use relate to the common good? (*Property set aside for use by the general public can be seen as providing for the common good; for example, parks, roads, schools, and hospitals are built for the benefit of society.*)
- The courts have held that property can be taken by eminent domain even if it is not actually used by the public; for example, the Supreme Court allowed eminent domain to be used for a project in which a city was encouraging new businesses to build in a neighborhood. The use thus benefited the public welfare or public interest. Do you think this is fair? Is it in line with the notion of the common good? Does it protect individual rights? (*Some students will say this policy is not fair because it does not protect property rights. Other students will say the policy is fair because uses of land that benefit public welfare or public interest still support the common good, even if they are not strictly public uses of the land.*)
- What would you consider “just compensation” for a person’s property? (*Students are likely to say people should be paid fair market value for their property—the same amount they would receive if they sold the property on the open market.*)



Step 3

Explain that the class will be reading about an actual court case. At each step in the case, students will consider what they would have done if they had been involved in this case. Tell students that you will stop at a certain points in the “story” and they will have to make a decision about what they would do given a certain situation.

Point out Ventura’s location on the **Political** map (just south of Santa Barbara) and tell students that the case they will read originated here. Ask students to find the location on the **View from Space** map and describe the environment in the area. (*Urban coastal community*)

Distribute ***Nollan v. California Coastal Commission*** (Lesson 4 Activity Master). Read the first section of the handout aloud with the class and give students time to answer the questions accompanying the first section of the reading. When students have answered the questions, ask the students who would accept the Commission’s decision to move to the left side of the room and those that would protest to move to the right. Ask several students to share reasons for their decisions, encouraging students to respond to one another as they discuss what the Nollans should do.

Continue through the next two sections of the handout using the same process. (*Note: An Answer Key and Sample Answers for **Nollan v. California Coastal Commission** are provided on pages 79–82.*)

Step 4

Read the final section of the handout, on the Court’s decision, with the class. You may want to point out that, when it was decided in 1987, the *Nollan* case was part of a judicial trend supporting individual property rights, a reaction to an earlier movement favoring greater government intervention in private property. The issue of eminent domain remains controversial across the United States, as governments take private property for a wide array of purposes. In 2005, the Supreme Court decided a major eminent domain case that sparked discussion and debate about the limits on private property rights.

Step 5

Explain that, in the final part of the lesson, students will have a chance to reflect on the significance of this case by doing a case review. Distribute ***Nollan v. California Coastal Commission: Case Review*** (Lesson 4 Activity Master). Instruct students to use the case of *Nollan v. California Coastal Commission* to write a response to each of the questions.

Collect ***Nollan v. California Coastal Commission: Case Review*** and ***Nollan v. California Coastal Commission*** for use in assessment.

Lesson Assessment

Description

Nollan v. California Coastal Commission: Case Review (Lesson 4 Activity Master) assesses students' achievement of the learning objectives: "Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the 'common good'" and "Describe how laws, regulations, and policies affecting land use and land ownership can have a major influence on the growth of human populations and communities." On this activity master, students describe how decisions related to the use and management of natural systems and resources result from the need to balance individual rights and liberties and the common good.

Suggested Scoring

Use the **Nollan v. California Coastal Commission: Case Review Scoring Tool** provided below and the sample provided on pages 77–78 to assess students' work. There are 9 total points possible.

Nollan v. California Coastal Commission: Case Review Scoring Tool

Criteria	Advanced (3 points each)	Proficient (2 points each)	Basic (1 point each)
Description of affects on land use and ownership	Accurately describes how laws, regulations, and policies affect land use and ownership.	Describes that laws, regulations, and policies affect land use and ownership.	Minimal description of laws, regulations, and policies affect land use and ownership.
Description of balancing rights and liberties and the common good	Accurately describes how decisions result from the need to balance individual rights and liberties and the common good.	Describes that decisions result from the need to balance individual rights and liberties and the common good.	Minimal description of the need to balance individual rights and liberties and the common good.
Description of how decisions affect individuals and communities	Accurately describes how decisions affect individuals and communities.	Describes that decisions affect individuals and communities.	Minimal description of how decisions affect individuals and communities.

Answer Key and Sample Answers

Nollan v. California Coastal Commission: Case Review

Lesson 4 Activity Master | page 1 of 2

Name: _____

Instructions: After reading about Nollan v. California Coastal Commission, answer the following questions:

1. Describe how the case of Nollan v. California Coastal Commission illustrates how laws, regulations, and policies affect land use and land ownership.

Many people want to own land and build homes on the California coast. However, laws and policies enforced by the California Coastal Commission regulate land ownership and building through a permit process. The Commission makes sure that buildings on private coastal lands meet certain regulations that do not interfere with wildlife or public access to the ocean, beaches, and views of the coast. When the Nollans wanted to build a new home on their beachfront property, the Commission was concerned about community access to public beaches and required an easement through the Nollan's property. The Commission was telling the Nollans what to build on their private land. Although the Constitution allows the state to take land through eminent domain and pay for access easements, the Commission did not take this route, and the Nollans fought for their constitutional right not to have their property taken for public use without just compensation.

2. Describe how the case of Nollan v. California Coastal Commission illustrates how decisions related to the use and management of natural resources result from the need to balance individual rights and liberties and the common good.

The California Coastal Commission enforces permits and other provisions of the Coastal Act regulating public access to coastal public lands, such as public beaches and parks. Their policies, such as providing access ways for public use, balance the individual rights of homeowners with coastal access for the public good. Nollan v. California Coastal Commission is a good example of the Commission's attempt to balance individual rights and the common good. It proposed to grant the Nollan's their house building permit while also acquiring an easement for public access

Answer Key and Sample Answers

Nollan v. California Coastal Commission: Case Review

Lesson 4 Activity Master | page 2 of 2

Name: _____

between public beaches. However, the Supreme Court ruled that the Coastal Commission's taking of uncompensated, permanent, public-access easement violated the Takings Clause of the Fifth and Fourteenth Amendments. In this case, individual rights and the common good were weighed when considering land use and access. The Supreme Court decided the Nollan's individual rights outweighed the common good.

3. Describe how the case of *Nollan v. California Coastal Commission* illustrates how decisions related to land use and management of natural resources affect individuals and communities.

The Coastal Commission's work influences the growth of coastal communities by protecting the coast's natural systems and resources. At the same time, their work limits human population growth by controlling coastal growth through permits. Individuals may purchase property on the coast and find that the California Coastal Commission denies them permits for building upon or using their land in certain ways that do not serve the best interests of the natural systems and public good. This limits an individual's ability to use private property in any possible manner. The Commission's decisions are intended to protect and serve the community, creating a desirable place for the public to live and visit.

Answer Key and Sample Answers

Nollan v. California Coastal Commission

Lesson 4 Activity Master | page 1 of 4

Name: _____

Part 1: Mr. and Mrs. Nollan Build Their Dream Home

For years, James and Marilyn Nollan leased a beachfront property in Ventura County, California. The site near Santa Barbara, about two hours drive north of Los Angeles, was popular for swimming and sunbathing. A quarter mile to the north lay the Faria County Park, a public beach; 1,800 feet to the south was "The Cove," another public area. The property's oceanside boundary had been determined based on the mean high tide. Between the shoreline and the main portion of the property stood an eight-foot-high concrete sea wall. Between the sea wall and the water, even at high tide, was a strip of sand that constituted a private beach belonging to the property leased by the Nollans.

The land contained a bungalow, which the Nollans regularly subleased to others. After years of use as a rental property, the 504-square-foot house needed replacing. Meanwhile, the Nollans had decided to purchase the lot. The owners agreed, on condition that the Nollans demolish the bungalow and build a new home there. In accordance with this desire and with state law, the couple went to the California Coastal Commission to request a coastal development permit. They submitted an application on February 25, 1982. They proposed demolition of the bungalow and its replacement with a three-bedroom house comparable to those in the neighborhood.

The Commission told the Nollans it would grant their application if they agreed to allow the public an easement, the right to pass through their property. This easement would allow pedestrians to use the portion of the Nollans' property between the high-tide line and the seawall as a walkway to move between the public beaches on either side.

What Do You Think?

1. Why would the California Coastal Commission require an easement for the public?

To provide beach access for the general public and not just the homeowners.

2. What authority does the Commission have to impose such a requirement?

The state of California has granted the Commission the authority to make decisions in the best interests of the public and the coastal environment.

3. What are the rights of the Nollans?

The Nollans have the right to own property and manage/use their property within legal guidelines.

What Would You Do?

If you were the Nollans, would you comply with the Coastal Commission's requirement to allow the public an easement to pass through your property or would you protest to the Commission about this requirement? Be prepared to give reasons to support your decision.

Answer Key and Sample Answers

Nollan v. California Coastal Commission

Lesson 4 Activity Master | page 2 of 4

Name: _____

Part 2: The Nollans Protest

The Nollans protested, and the Commission overruled their objections. On June 3, 1982, the couple filed a petition with the Ventura County Superior Court. They asked the court to issue an injunction ordering the Commission to reconsider its decision. The court agreed with the Nollans' claim that the Commission could not impose the restriction on their development in the absence of proof that building their house would actually have a clear and negative impact on public access to the beach. The court remanded the case to the Commission for a full hearing.

At the hearing, officials for the Commission announced that the new house would add to "a 'wall' of residential structures." They said this wall would "psychologically" prevent the public "from realizing [that] a stretch of coastline exists nearby that they have every right to visit." Providing the public with an easement across the Nollans' property was, they said, the only way to offset this "burden" on public access. The Nollans then filed a supplemental petition with the Superior Court, this time arguing that the Commission violated the Takings Clause of the Fifth Amendment; courts had ruled that the Fourteenth Amendment extended that protection to the states.

Again the Superior Court ruled for the petitioners. It ordered the Commission to strike the permit condition.

What Do You Think?

1. What were the Commission's arguments in regard to the common good?

The new house would prevent public access between two public beach parks; there would be a burden on the public to access the public beach without an easement.

2. What did the Superior Court decide in regard to the Nollans' rights?

There was no proof that building their house would have a clear and negative impact on public access to the beach; the California Coastal Commission violated the Takings Clause of the Fifth Amendment.

What Would You Do?

If you were on the Coastal Commission, would you strike the permit condition or would you continue to argue for public access by appealing the decision of the Superior Court? Be prepared to give reasons to support your decision.

Answer Key and Sample Answers

Nollan v. California Coastal Commission

Lesson 4 Activity Master | page 3 of 4

Name: _____

Part 3: The Coastal Commission Appeals

The Commission appealed to the California Court of Appeals. Meanwhile, the Nollans, without notifying the Commission, tore down the bungalow. They built their house and bought the property, all in fulfillment of the agreement they had with the property's earlier owners—but without the approval of the Commission.

The Court of Appeals reversed the ruling of the Superior Court. It ruled in favor of the Commission, basing its opinion on its reading of the California Public Residence Code Annotated. The precedent for its ruling on the constitutional question came from an earlier California case involving similar issues.

The Nollans did not agree with the reversed ruling and took their appeal to the U.S. Supreme Court. The appeal raised only the constitutional issue: Did the permit requirement constitute a property taking in violation of the Fifth and Fourteenth Amendments?

What Do You Think?

1. Why did the California Coastal Commission pursue this case in the court of appeals?

The Commission believed that the common good was not served in the previous decision; the Commission continued to believe that an easement was necessary to provide public access to the beach.

2. What constitutional argument did the Nollans use?

The Fifth and Fourteenth Amendments to the U.S. Constitution prohibits government's from taking private property without providing just compensation. The Nollans argued that the Commission was taking their property for an easement without offering just compensation.

If you were a justice on the U.S. Supreme Court, would you find the permit requirement in violation of the Fifth and Fourteenth Amendments or would you agree with the California Court of Appeals ruling that the easement requirement did not violate the Takings Clause of the Fifth Amendment, as incorporated by the Fourteenth Amendment? Be prepared to give reasons to support your decision.

Nollan v. California Coastal Commission

Lesson 4 Activity Master | page 4 of 4

Name: _____

The Results of the Case

The Supreme Court voted, 5 to 4, to reverse the decision of the California Court of Appeals. They found that the Commission's permit requirement to build a public pathway through the Nollans' private property violated the Takings Clause of the Fifth and Fourteenth Amendments.

Justice Scalia delivered the opinion for the majority. He began by pointing out that the outright taking of an uncompensated, permanent, public-access easement would violate the Takings Clause. However, he said, conditioning appellants' rebuilding permit on their granting such an easement would be lawful land-use regulation if it substantially furthered governmental purposes that would justify denial of the permit. Such was not the case in the Nollans' situation, however, "since the condition does not serve public purposes related to the permit requirement."

One of the reasons for the Commission's demand had been that the public could not see the beach and therefore would not be fully aware of their right to walk on it. How, Scalia asked by implication, would an easement across the beach side of the property make it easier to see the beach from the road, on the other side of the house? He further dismissed the Commission's claim that the access requirement was part of a "comprehensive program" by the state to increase public access to the beach. If this was so, Scalia indicated, the state would have to pay the cost for this, and not "compel coastal residents alone to contribute to the realization of that goal."

Scalia addressed the question of whether the condition of an easement constituted taking. If the commission had truly been interested in whether people could see the beach from the road, Scalia suggested, it might have issued limitations on the height of the house—which would have been perfectly lawful. He characterized the purpose as "the obtaining of an easement to serve some valid government purpose, but without payment of compensation." This, Scalia held, was "an out-and-out plan of extortion."

In a 5 to 4 decision, there were obviously dissenting views. Justice Brennan's was the longest and most forceful, arguing that states should have more flexibility to make rules affecting private property.

2

The Fifth Amendment

Visual Aid — Transparency

The Fifth Amendment

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.***

(Note: Emphasis added.)

The Fourteenth Amendment

*Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law;** nor deny to any person within its jurisdiction the equal protection of the laws...*

(Note: Emphasis added.)





Lesson 5

Aerial view of a landfill

Reconciling: When Common Goods Collide...

How does a society reconcile its needs and wants when aspects of the common good come into conflict with one another? This lesson uses the proposed expansion of a sanitary landfill in Los Angeles as context for discussing the varying definitions of the “common good” within a single community.

The complex history of Sunshine Canyon Landfill involves a variety of stakeholders, perspectives, issues, and environmental considerations (dust from earthmoving and disposal operations, proximity to a nearby elementary school and homes, congested

traffic, air quality issues, and so on). Some observers consider the outcome an example of successful management of a complex problem.

In this lesson, students learn about the central issues of expansion from a county landfill to a county/city landfill

by simulating a public meeting between the California Integrated Waste Management Board and the local community. Students identify the common good sought by each group and propose a reasonable solution to meet the public need for waste disposal.

Learning Objective

Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the “common good.”

Identify the spectrum of factors considered in making decisions about resources and natural systems, how those factors influence decisions, and how the enjoyment of one’s rights in relation to the environment entails respect for the rights of others.



also specify the covering of landfills and provisions for long-term care of closed facilities, which includes financial assurances for environmental protection after the landfill closure.

Of course, waste disposal is not the only issue in which common goods conflict. Other issues around which conflicting views of the common good collide include expansion of airports and even prisons. For example, cities may need airport expansion to accommodate new aircraft and increased air traffic for personal and business growth; yet residents of the city argue against expansion in their community because of the disturbances expansion would create. As prisons and jails become overcrowded and people lobby for safer communities and improved conditions for inmates, governments face challenges from communities that do not want prisons in their “backyards.” As aspects of the common good conflict, policy makers must find reasonable solutions that balance individual rights and the common good.

Background

According to the United States Environmental Protection Agency (USEPA), Americans generate an estimated 4.6 pounds of trash per person per day, for a national total of approximately 251 million tons per year. What happens to this trash? Most of it ends up in landfills. Modern landfill engineering and operations comply with federal regulations designed to protect the environment from contaminants present in the solid waste stream. Landfill site plans usually keep landfills out of environmentally sensitive areas, and environmental monitoring systems provide safeguards against

groundwater contamination and landfill gas.

Federal standards for municipal solid waste landfills include location restrictions to ensure building of landfills in suitable geological areas away from faults, wetlands, and flood plains. Standards also require that flexible geomembrane liners overlay two feet of compacted clay soil lining the bottom and sides of a landfill to protect groundwater and underlying soil from leachate releases. Operating practices require the compacting and covering of waste frequently with several inches of soil to help reduce odor; control litter, insects, and rodents; and protect public health. Standards



Airport expansion construction

Key Vocabulary

Conditional Use Permit: A document that allows a city or county to consider special uses of land that may be essential or desirable to a particular community but are not allowed within a zoning district.

Environmental Impact Report: A study of the possible effects, positive or negative, a proposed project may have on the natural environment.

Public hearing: Meeting held by a public body to gather information and perspectives from citizens.

Toolbox



Summary of Activities

Students learn about the Sunshine Canyon Landfill and issues facing the California Integrated Waste Management Board as it considered combining the city and county landfills. Students simulate a public meeting, consider community members' opinions, and develop solutions to the conflict.



Instructional Support

See Extensions & Unit Resources, pages 30–31.

Prerequisite Knowledge



Students should know about:

- the influence of, need for, and controversies associated with environmental conservation, and the development of environmental protection laws, with particular attention to the interaction between environmental protection advocates and property rights advocates.

Students should be able to:

- summarize information and identify key arguments.

Advanced Preparation



Gather and prepare Activity Masters.

Gather and prepare Materials Needed.

Gather and prepare Visual Aids:

- post the **Political** and **Human Imprint** wall maps in a location visible to all students.



Materials Needed



A-V Equipment:

- overhead or LCD projector, screen

Class Supplies:

- pencils or pens

Visual Aids



PowerPoint:

- **Introduction to Landfills**, provided separately

Transparencies:

- **Introduction to Landfills**, Visual Aids #4–11

Wall Maps:

- **Political**, provided separately
- **Human Imprint**, provided separately

Duration



Preparation Time

15 min.

Instructional Time

55 min.



Safety Notes

None

Activity Masters in the Supporting Materials (SM)

Public Hearing Directions

SM, Pages 34–36
One per student

What Is the Common Good?

SM, Pages 37–38
One per student

Procedures

Vocabulary Development

Use the **Key Unit Vocabulary** (Lesson 1 Activity Master) to introduce new words to students as appropriate.

Step 1

Open the lesson by asking students, “Why do we need landfills?” (*We produce a lot of waste; we need a place to dump our waste; landfills are a common place for trash hauled away from homes and businesses; landfills are managed by professionals; laws related to landfills and trash disposal protect the environment.*) Write responses on the board.

Next, ask students, “How do landfills serve the common good? (*They are designed to protect the health of the community through a common, protected, managed waste site that serves the entire community.*) Explain that, before sanitary landfills, communities disposed of waste in streets, rivers, and open spaces, resulting in the spread of diseases and pollution of natural systems.

Tell students that even though landfills serve the common good (though they operate for profit), people often feel that locating a landfill near their community would harm the common good of that specific community. Ask, “How could a landfill harm the common good in a community?” (*Traffic would increase, especially truck traffic; this could create traffic jams and cause hazards to pedestrians, bicyclists, skateboarders, and children playing in the neighborhood. The landfill would be loud and might be unsightly or even smell bad, making the neighborhood a less pleasant place. Presence of toxins in the air or water could threaten the health of residents.*)

Remind students that in previous lessons they looked at cases where individual rights conflicted with the common good. In this lesson, they will be studying a situation where two perspectives on the common good came into conflict. That situation involves a landfill.

Step 2

Use the **Political** wall map to point out the location of the San Fernando Valley (north of Los Angeles, south of Santa Clarita). Explain that Sylmar is in the San Fernando Valley where the Sunshine Canyon Landfill is located.

Using the **Human Imprint** wall map, ask students what they notice about the Los Angeles region. (*The human footprint is most affected in that area; high population density; high use of energy and other resources.*) Emphasize that a lot of waste is generated in the Los Angeles region due to its population and business density.

Step 3

Show the PowerPoint **Introduction to Landfills** or the transparencies of **Introduction to Landfills** (Visual Aids #4–11) to present the history of the landfill.

Step 4

Tell the class that, before they learn the outcome of this case, they are going to study more about the issues and perspectives of people involved.

Explain that state law requires holding a public hearing before any large changes to a community’s environment are made. The hearing allows citizens and organizations to voice their opinions to government decision-makers, before they make their decision. Tell students that they are going to help recreate the public hearing held in San Fernando before the governing body voted on whether to approve the changes at Sunshine Canyon Landfill.

Divide the class into two groups. Have the groups sit on opposite sides of the room so that they can face each other during the hearing. Designate one group to represent the California Integrated Waste Management Board (CIWMB), the government agency that will make the decision. Tell the group that they will need to designate one person from the group to run the hearing; that person will play the role of Susan Markie, the Permit Manager. Other group members will be able to frame and ask questions of the public.



Designate the other group to represent the Sylmar community members who live and work near the landfill. Tell the group that they will need to designate four members of the group to act as community speakers; other members of the group will work with them to prepare their testimony and to help answer questions from the CIWMB.

Distribute the **Public Hearing Directions** (Lesson 5 Activity Master) to students in both groups and review their roles in preparation for the public informational meeting. Provide a few minutes for each group to discuss what they see as their perspective in this matter. Board members should work on writing the opening statement for Ms. Markie and on framing one question to ask each community member who testifies; community members should plan their testimony.

While the groups are preparing for the hearing, write the following acronyms on the board for reference during the hearing:

- BFI: Browning-Ferris Industries
- CIWMB: California Integrated Waste Management Board
- EIR: Environmental Impact Report

Step 5

Before starting the hearing, check with both groups to ensure that they understand their perspectives in the case. (*The CIWMB members should mention their responsibility to ensure safe and effective waste management for the community; the community group should focus on their need to dispose of waste yet maintain a safe and healthy community.*)

Call the public hearing to order, announcing that it is March 2008 and the topic is the proposed changes to the Sunshine Canyon Landfill. Introduce the CIWMB and Ms. Susan Markie, the permit manager who will facilitate the hearing. Introduce the Sylmar community members who will provide public comment about the issue of combining, or expanding, the Sunshine Canyon Landfill. Explain that you will act as a timekeeper to make sure the public hearing stays on schedule.

Direct the student playing Susan Markie to begin the hearing.

Step 6

When the hearing is complete, conduct a debriefing focusing on the different perspectives on the common good that emerged during the hearing. Can these perspectives be balanced?

Step 7

Distribute **What Is the Common Good?** (Lesson 5 Activity Master) to each student. Tell students to use the Venn diagram as a way to summarize the differing perspectives on the common good and to identify commonalities between the perspectives. Instruct students to be specific about the use and management of natural systems and resources.

Next, instruct students to use the information from their Venn diagrams to describe, in writing, what they consider to be the best solution to the Sunshine Canyon Landfill issue. Students should address all or part of each group's ideas about the common good in their solution.

Collect **What Is the Common Good?** for use in assessment.

After collecting **What Is the Common Good?**, explain that in this case, the CIWMB approved the permit application to combine the city and county landfill into one landfill. However, new requests for landfill expansion continue to arise in other parts of California, so the issue is far from solved.

Lesson Assessment

Description

What Is the Common Good? (Lesson 5 Activity Master) assesses students' achievement of the learning objectives: "Provide examples of how decisions related to the use and management of natural systems and resources can result in the need to establish a balance between individual rights and liberties and choices related to the 'common good,'" and "Identify the spectrum of factors considered in making decisions about resources and natural systems, how those factors influence decisions, and how the enjoyment of one's rights in relation to the environment entails respect for the rights of others." On this activity master, students create a Venn Diagram and respond to a writing prompt.

Suggested Scoring

Use the **What Is the Common Good? Scoring Tool** provided below and the sample provided on pages 93–94 to assess students' work. There are 9 total points possible.

What Is the Common Good? Scoring Tool

Criteria	Advanced (3 points each)	Proficient (2 points each)	Basic (1 point each)
Factors considered in decisions	Identifies multiple factors considered in making decisions about resources and natural systems.	Identifies some factors considered in making decisions about resources and natural systems.	Identifies one factor considered in making decisions about resources and natural systems.
Influence of decision-making factors	Thoroughly describes how those factors influence decisions.	States that these factors can influence decisions.	Mentions that factors can influence decisions.
Description of balance of competing perspectives	Thoroughly describes how a decision related to the use and management of natural systems and resources can balance competing perspectives on what is considered the common good.	States how a decision related to the use and management of natural systems and resources can balance competing perspectives on what is considered the common good.	Mentions that a decision related to the use and management of natural systems and resources can balance competing perspectives on what is considered the common good.

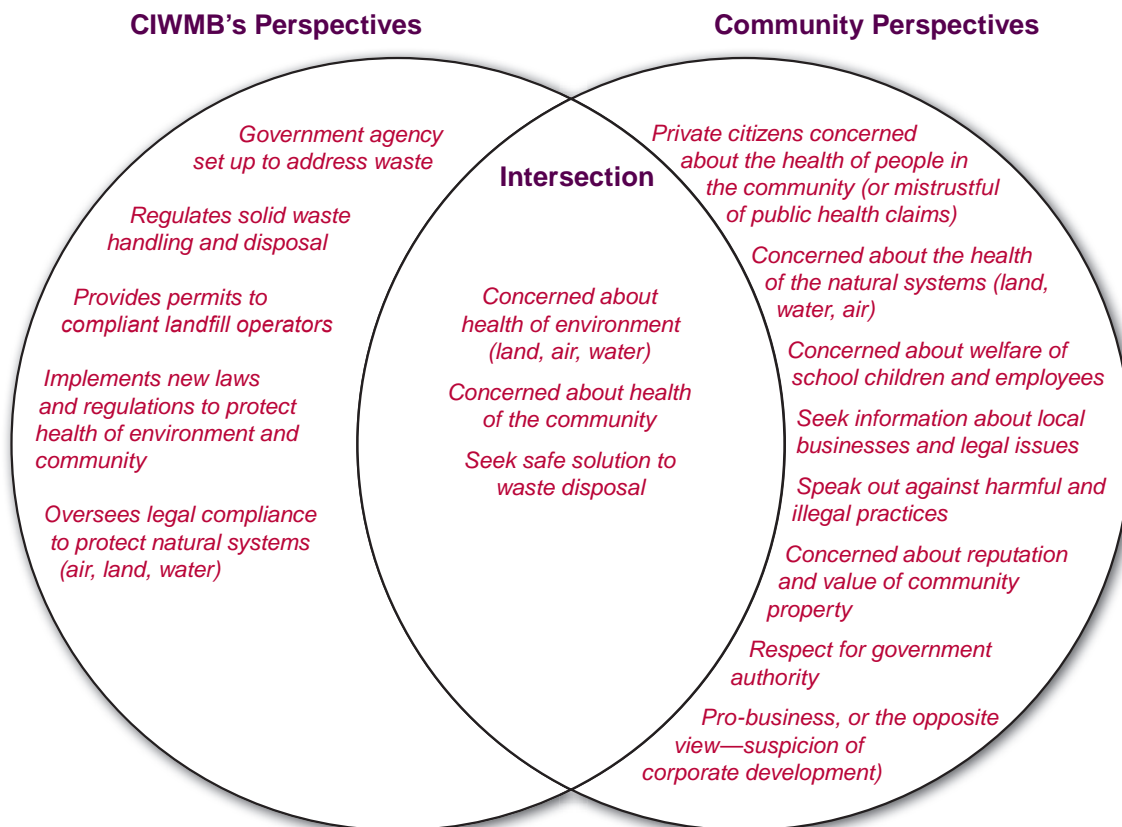
Answer Key and Sample Answers

What Is the Common Good?

Lesson 5 Activity Master | page 1 of 2

Name: _____

Instructions: Use the Venn diagram below to summarize the perspectives on the Sunshine Canyon Landfill issue.



On the following page, describe what you consider to be the best solution to the Sunshine Canyon Landfill issue. Address all or some of the perspectives above in your answer.

Answer Key and Sample Answers

What Is the Common Good?

Lesson 5 Activity Master | page 2 of 2

Name: _____

Clearly, people need a place to dispose of their waste. Safe disposal of waste will protect the health of the environment as well as the health of the people in every community. People living in a community close to the landfill have more concerns than people living in communities far from the landfill because they can hear, smell, and see the results of tons of garbage processed on a daily basis. Proximity to the landfill raises concerns about air pollution in the dust that rises and gets carried from the landfill to nearby communities, about soil and groundwater contamination that might occur if layers are not properly sealed in the landfill, and about noise and exhaust that drifts past your home and school as garbage trucks fill the roads each day. Nobody wants a landfill in their own backyard, and yet everybody wants the convenience and safety of a sanitary landfill in which to dump their garbage.

If not in one community, the landfill will be moved to another community. This fact seems inescapable. The solution then rests on the shoulders of the state agency empowered to make decisions and regulate these matters. However, the state agency can certainly listen to and act upon the complaints of the community members. CIWMB listens to community members and hears their concerns about issues such as cancer and asthma. Perhaps this board can bring these issues forward to provide for research into these claims. The board can also commit to increased programs for recycling and reuse of materials otherwise headed for the landfill. The community has a large role in this as well. To begin with, the community can campaign and advocate for households to generate less waste within and outside of their community.

The community, meanwhile, must remain diligent in overseeing the actions of the landfill operators. They must question and report possible mismanagement that could result in environmental hazards and/or community health issues.

Public Hearing Directions

Lesson 5 Activity Master | page 1 of 3

Name: _____

Instructions: Your class will be enacting a public hearing before the California Integrated Waste Management Board (CIWMB). Half the class will represent the CIWMB. The other half will represent the community. Four community members will testify at the hearing.

One of the CIWMB members, Susan Markie, is the permit manager who will run the meeting.

Order of Events at the Public Hearing

1. Ms. Markie calls the meeting to order and makes a two-minute opening statement describing the issue before the CIWMB.
2. Ms. Markie opens the meeting for public testimony.
3. Ms. Edwards testifies for up to two minutes. The Board members ask one question. Ms. Edwards or other community members have one minute to respond.
4. Mr. You testifies for up to two minutes. The Board members ask one question. Mr. You or other community members respond have one minute to respond.
5. Ms. Kind testifies for up to two minutes. The Board members ask one question. Ms. Kind or other community members have one minute to respond.
6. Mr. Abram testifies for up to two minutes. The Board members ask one question. Mr. Abram or other community members have one minute to respond.
7. Ms. Markie thanks the community members who testified and adjourns the meeting.

Preparation for Board Members

1. Choose someone to be Ms. Markie.
2. Prepare Ms. Markie's opening statement (see the Background for CIWMB below).
3. Write one question for each of the people who will be testifying.

Preparation for Community Members

1. Choose students to be Ms. Edwards, Mr. You, Ms. Kind, and Mr. Abram.
2. Prepare the testimony for Edwards, You, Kind, and Abram (See the Background for Community Members below).
3. Think about questions the Board might ask and how you would answer those questions.

Public Hearing Directions

Lesson 5 Activity Master | page 2 of 3

Name: _____

Background for CIWMB

Ms. Markie's opening statement should make the following points:

- Under State law, the Board certifies Local Enforcement Agencies (LEA) to oversee the required actions of approved landfills. Because this landfill is for two separate LEAs—the City and County of Los Angeles—the Board is to act in the capacity of the Solid Waste Enforcement Agency.
- The proposed permit is to consolidate the two current City and County permits under one permit. This will allow the Landfill to fill in the areas between the two landfills consistent with previously described and approved boundaries and limits.
- The new proposed estimated closure year will be 2037. The current permit for the city landfill says partial closure would occur in 2010. These estimations are based on current calculated volume remaining (capacity) and estimated amount of waste received per day.
- The City and County, the Regional Water Quality Control Board, and the Los Angeles County Department of Public Works have commented on the proposal. The company has responded to these comments.

The Board's job is to make sure the landfill design and operation conform with state standards and that there is money to keep the landfill running and to take care of it after it is full.

Background for Community Members

Ms. Edwards feels the community has been over the same issue many times before. She believes the corporation that runs the landfill cares only about money, not about how livable the community is. She wants the Board to produce a new Environmental Impact Report, one that is fair and includes all opinions and perspectives; the old report, she says, was prepared by someone who wanted the project to go through. One of the main health concerns Ms. Edwards has is pollutants put in the air by diesel trucks. She believes this pollution causes many illnesses. She wants someone to look at converting heavy equipment to some kind of nonpolluting engines and to encourage people to create less trash. To Ms. Edwards, the bottom line should be the health of all communities, not greed and money.

Mr. Ed You is tired of seeing the landfill grow bigger and bigger. The site is nothing but bare earth. The tremendous winds in the area blow dust and dirt everywhere, day and night. He is tired of seeing plastic bags blow over, break, and trash the surrounding land, including O'Melveny Park. Mr. You is also concerned about the high rates of asthma and cancer in the community. He believes these rates are directly related to the dust constantly in the air. He is also outraged because the old landfill has not been properly taken care of. No final cover has been put in place, and the huge interior cut and cover slopes around the inside of Sunshine Canyon that could have grasses and trees planted on them remain bare.

Ms. Viki Kind moved into this neighborhood about a year and a half ago from Northridge. She has asthma. When she lived in Northridge, she could keep her windows open and her asthma did not get worse. In this community, she cannot breathe and must use her inhaler more often. She wants the Board to enforce the requirements on the books; for example, she wants the parts of the landfill that should already be closed to be closed now!

Public Hearing DirectionsLesson 5 Activity Master | page 3 of 3

Name: _____

Background for Community Members (continued):

Mr. Abram is a teacher at Van Gogh Elementary School, located less than one mile south of the landfill. Like many of the school's staff members, he arrives at school at 6:30 in the morning and sometimes does not leave until after 6:00 at night. It's nothing unusual. Many years ago, he took his students on a field trip to visit the landfill. It was fascinating to see the process, but what he remembers most was the model that BFI showed the students of how the landfill would look after it was closed. That model was beautiful—the mountains of trash were covered with grass and beautiful animals. That field trip was in 1989—and he thinks that things at the landfill have changed substantially since then.

Mr. Abrams, like many residents, has breathing problems. Teachers have respiratory problems, choking, asthma, wheezing, shortness of breath, and stinging and burning eyes when teaching physical education class outdoors. Mr. Abrams is also concerned about the unusually large number of cancer-related deaths, which he is certain have been caused by the proximity to the diesel trash trucks spewing exhaust into the atmosphere as well as the toxins buried and the toxic particulates wind-blown, swept, and carried by birds over to the school. He has gathered petitions signed by 100 percent of the teaching staff members of UTLA who have joined with the LAUSD School District here opposing consolidating two landfills into one. In fact, the teachers still believe that this landfill needs to be closed as soon as possible before any more people die.

Introduction to Landfills

A landfill is a site for the disposal of waste materials by burial. It is the oldest form of waste management, common around the world.



Introduction to Landfills

Construction of a landfill must meet specific requirements that relate to:

- Location
- Stability
- Capacity
- Protection of soil and water
- Hazards management
- Costs



Introduction to Landfills



An improperly operated and regulated landfill can contaminate the air and water. This contamination can have health consequences for people in nearby communities. In addition, the environment may become degraded if hazardous materials are disposed in the landfill, trash is not covered properly, or liners are breached.

Introduction to Landfills



The California Integrated Waste Management Board (CIWMB) is the state agency designated to oversee, manage, and track the 92 million tons of waste California generates each year. The Board promotes a sustainable environment where these resources are not wasted, but rather reused or recycled in partnership with local agencies throughout the state.

8 Introduction to Landfills

Visual Aid – Transparency

Introduction to Landfills

The CIWMB regulates all solid waste handling, processing, and disposal activities in the state, including how landfills are built and operated. CIWMB must concur with local enforcement agencies (LEAs) in issuing permits for landfills.



9 Introduction to Landfills

Visual Aid – Transparency

Introduction to Landfills



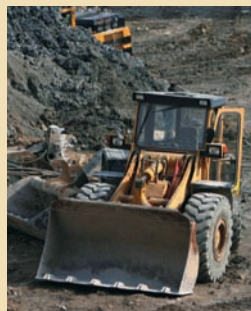
For nearly 50 years, the Sunshine Canyon Landfill has met the waste disposal needs of Los Angeles City and Los Angeles County businesses and residents. The Sunshine Canyon Landfill is actually two landfills located about a quarter-mile apart. This distance placed each landfill in a different jurisdiction—one in the city of Los Angeles and the other in unincorporated county property.

10 Introduction to Landfills

Visual Aid – Transparency

Introduction to Landfills

Browning-Ferris Industries (BFI) of California owns and operates the two Sunshine Canyon landfills. The company submitted a permit application to the California Integrated Waste Management Board (CIWMB) to combine the two landfills into one. The expanded landfill could accommodate more waste and stay open longer than originally planned, which would benefit the city and county residents. Combining the two landfills would also save the company money.



11 Introduction to Landfills

Visual Aid – Transparency

Introduction to Landfills



It seemed like a straightforward request—but not everyone was happy with the plan to combine the two landfills into one. Can you think of why?

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